

Supreme Court of the United States

OCTOBER TERM, 1971

No. 71-711

NATIONAL LABOR RELATIONS BOARD,
Petitioner,

v.

GRANITE STATE JOINT BOARD, TEXTILE WORKERS UNION
OF AMERICA, LOCAL 1029, AFL-CIO,
Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FIRST CIRCUIT

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[The Board's decision and order and the opinion and judgment of the court of appeals are not reprinted in this appendix since they are already printed as an appendix to the petition]

**UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

**CHRONOLOGICAL LIST OF
RELEVANT DOCKET ENTRIES**

12. 9.66 Charges filed in 1-CB-1460-1 and 1-CB-1460-2
1.29.69 Complaint & notice of hearing, dated
2.12.69 Amendment to complaint, dated
2.17.69 Respondent's answer to complaint & amendment to
complaint, received
3.25.69 Hearing opened
3.25.69 Hearing closed
6. 4.69 Trial Examiner's Decision, issued
6.24.69 Charges filed in 1-CB-1504 (1-4)
6.27.69 General Counsel's exceptions, received
7. 3.69 General Counsel's motion to reopen the record in
1-CB-1460(1-2) dated
7.18.69 Respondent's answer to General Counsel's motion,
received
9.12.69 Charge filed in 1-CB-1534
10.20.69 Order consolidating cases, complaint & notice of
hearing, dated
10.22.69 Board's Order granting motion to reopen the rec-
ord & remanding proceeding to Regional Director
for further hearing, dated
10.24.69 General Counsel's motion to consolidate cases 1-CB-
1460 (1-2) with Cases 1-CB-1504 (1-4) and 1-CB-
1534, dated
10.28.69 Respondent's answer in cases 1-CB-1504(1-4) &
1-CB-1534, received

- 10.30.69 Trial Examiner's teletype to parties to show cause why motion to consolidate should not be granted, dated
- 11.10.69 Trial Examiner's teletype granting General Counsel's motion to consolidate, dated
- 11.14.69 Order consolidating cases & notice of hearing, dated
- 11.20.69 Hearing re-opened
- 11.20.69 Hearing closed
- 4. 8.70 Trial Examiner's Supplemental Decision, issued
- 5.25.70 Respondent's exceptions to Trial Examiner's Supplemental Decision, received
- 12.31.70 Decision and Order issued by the National Labor Relations Board, dated
- 8. 4.71 Board's Application for enforcement filed
- 6.29.71 Decision of the First Circuit Court of Appeals, filed
- 6.29.71 Judgment of the First Circuit, entered
- 3.20.72 Order of the Supreme Court granting certiorari, dated

**BEFORE THE NATIONAL LABOR RELATIONS
BOARD**

First Region

Case Numbers

1-CB-1460-1

1-CB-1460-2

IN THE MATTER OF:

**GRANITE STATE JOINT BOARD, TEXTILE WORKERS UNION
OF AMERICA, LOCAL 1029, AFL-CIO (International
Paper Box Machine Company)**

and

FELIX RADIEWICZ, AN INDIVIDUAL

MAURICE K. KIMBALL, II, AN INDIVIDUAL

Ward Room 5

City Hall

Nashua, New Hampshire

March 25, 1969

The above-entitled matter came on for hearing, pursuant to notice, at 10:00 o'clock a.m.

BEFORE:

MILTON JANUS Trial Examiner

APPEARANCES:

THOMAS P. KENNEDY, ESQ. National Labor Relations Board, John F. Kennedy Federal Building, Boston Massachusetts, appearing on behalf of the General Counsel.

HAROLD B. ROITMAN, ESQ. 6 Beacon Street, Boston, Massachusetts, appearing on behalf of the Respondent, Granite State Joint Board, Textile Workers Union of America, Local 1029, AFL-CIO.

[20] MAURICE KIMBALL, II

was called as a witness by and on behalf of the General Counsel and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

[21] Q (By Mr. Kennedy) Will you give us your name.

A Maurice Kimball, II.

MR. KENNEDY: Speak up, please.

Q (By Mr. Kennedy) Your address?

A Turkey Hill Road, Merimack.

MR. ROITMAN: Sorry, I didn't get that.

THE WITNESS: Turkey Hill Road, Merimack.

MR. ROITMAN: Turkey Hill.

Q (By Mr. Kennedy) Now, Mr. Kimball, were you formerly employed or have you worked for International Paper Box?

A Yes.

Q When did you first start working for this organization?

A In May of '67.

Q And what was your job?

A Tool setter.

Q And now, Mr. Kimball, was the Granite State Joint Board of the Textile Workers Union—did that represent the employees at International when you first became an employee of International?

A Yes.

MR. ROITMAN: Well, of course, that is a conclusion that I am not sure this witness is qualified to answer.

TRIAL EXAMINER: Well, he may know something about the contract between the parties.

Q (By Mr. Kennedy) When you first became employed,

. . . .

[22] Q Now, Mr. Kimball, did you join the Textile Workers Union subsequently to becoming employed? Did you eventually join the Textile Workers Union?

A Yes.

Q When did you join it?

A Between '68—'67, '68—one of them.

Q Winter between '67 and '68?

A Yes.

[23] TRIAL EXAMINER: All right. I will receive General Counsel's Exhibit 3.

(The document above-referred to was marked General Counsel's Exhibit No. 3 for identification and was received in evidence.)

MR. ROITMAN: I will agree that this is a contract from September 20, 1965, to September 20, 1968.

Q (By Mr. Kennedy) Can you tell us how you went about and joined the Union?

A I went and asked the shop steward.

Q Now, was there a strike called against International Paper Box in September, 1968, Mr. Kimball?

A Yes, there was.

Q Did you attend the strike vote meeting in September, [24] 1968?

A Yes.

Q And how was the voting conducted?

A It was a stand-up vote.

Q And how did you vote, Mr. Kimball?

A I voted for the strike.

Q (By Mr. Kennedy) And did you voluntarily go on strike on September 20, 1968?

A Yes.

Q Now, did you then go to work at some other place of business?

A Yes.

Q Now, did you subsequently decide to go back to work for International Paper Box?

A Yes.

Q Can you tell us when you decided to do so?

A It was in November.

Q In 1968?

A '68.

Q Now, Mr. Kimball, did you send a letter to the Union in November of 1968 concerning your membership?

A Yes.

.

[25] Q (By Mr. Kennedy) Now, showing what has been marked as General Counsel's Exhibit No. 4, can you look at this and tell us if this is a copy of the original letter that you sent to the Union on November 25, 1968?

A Yes.

.

[26] (By Mr. Kennedy) Now, Mr. Kimball, did you subsequently receive a reply to this letter of withdrawal?

A Yes.

.

Q (By Mr. Kennedy) Now, Mr. Kimball, showing what has been marked for identification as General Counsel's Exhibit No. 5, which purports to be a letter addressed to Maurice [27] Kimball of Nashua, New Hampshire, and signed Thomas J. Pitarys, Manager of the Granite State Joint Board. Is that the original of the letter you received from Mr. Pitarys on the date indicated on the letter itself?

A Yes.

.

[28] TRIAL EXAMINER: What did you do after you got this letter with respect to going back to work?

THE WITNESS: I didn't go back.

.

[32] Q (By Mr. Kennedy) How many hours did you work per week?

A Forty-five.

Q And what was your average take-home earnings during the time you worked for International?

A Average—about \$80.

MR. KENNEDY: I have no further questions of this witness. You may examine, Mr. Roitman.

TRIAL EXAMINER: You want a short recess, Mr. Roitman?

MR. ROITMAN: All right. Perhaps that would shorten the cross-examination.

(Discussion off the record.)

TRIAL EXAMINER: On the record.

MR. ROITMAN: I have, in the off-the-record period, requested the statement given by Maurice Kimball to the Board, and Mr. Kennedy, the Counsel for the General Counsel, has furnished me with a two-page document at this time.

TRIAL EXAMINER: All right, off the record.

(Discussion off the record.)

TRIAL EXAMINER: On the record.

CROSS-EXAMINATION

Q (By Mr. Roitman) Mr. Kimball, you recall being at the Union meeting at which the strike vote was taken.

A Yes.

[33] Q And I think you testified that you personally voted in favor of the strike.

A Yes.

Q Now, do you recall that at that time there was a motion made with respect to the possibility of members being fined if they took action detrimental to the Union?

* * * *

Q Can you tell me what you recall about it?

A What I recall about it?

Q Yes.

A They had a motion about a fine put forth.

Q And did you speak on this motion?

A No.

Q But you voted on it.

A It was voted on by a stand-up vote.

Q And you participated in that vote as a member.

A Not on that vote.

[34] Q You recall that there was a vote of the Local with respect to fining members who took action detrimental to the Union.

A Yes.

Q Now, after the strike began, I think you stated that you went to work for another company?

A Yes.

Q What company did you go to work for?

A Sheet metal company.

Q Is that the name of the company?

A Ray Miller Sheet Metal.

Q Are you still with that company?

A Yes.

Q And you have been working continuously for that company ever since September of 1968.

A Yes.

Q Can you tell us what your job title is with that company?

A Put in heating systems.

Q And what is your hourly rate of pay? Are you paid by the hour?

A Yes.

Q What is your hourly rate of pay?

A 2.40 at the present time.

Q By way of reference I think you testified that your rate with International Paper Box was \$2.15, was it not?

[35] A No.

Q What did you say your rate was when you were at International Paper Box?

A 2.17.

.

[36] Q Now, from September 20 through November 25, there were Union meetings held from time to time, were there not?

A Yes.

Q And at those meetings did they discuss the conduct of the negotiations with the Company?

A You mean September 20 and—

Q Yes, and November 25.

A Yes.

Q And you attended those meetings?

A Those meetings, yes.

Q All right. I am not sure I have the exact date, but on some date after you received the letter from Mr. Pi-

tarys, you called the superintendent at the Company, Mr. McQuestion, is that his name?

A Repeat that again.

Q After you received the letter from Mr. Pitarys of the Union, as I understand it, you called your supervisor at the Company?

A Yes.

Q And his name was Mr. McQuestion?

* * *

[41] Q Now, at the time that you joined the Union, do you recall that you signed a membership application card?

A Yes.

Q And you also signed at that time a check-off authorization card which was the same attached card?

A Signed another—

Q Did you also sign a card authorizing the Company to deduct dues from your weekly pay?

A Yes.

Q And at the time that you signed them, you were advised with respect to the Union's Constitution and By-Laws and its purposes.

A Who advised me?

Q Well, when you spoke to whoever you signed the card with.

A He just gave me the card.

Q You asked for the card, and you were—

[42] A I asked for the card; he gave it to me, and I signed it.

Q And thereafter you were sworn into the Union as a member, and you attended Union—

A Sworn in, no.

Q Thereafter, after you signed the card, you attended Union meetings as a member of the Union?

A Yes, I attended Union meetings.

Q And you participated in Union functions of both in the shop and at the meeting hall.

A Union functions?

Q Well, you discussed grievances with your shop steward?

A No, I didn't.

Q And Union matters other Union members, did you not?

A No, I didn't.

Q But you attended the Union meetings?

A Yes.

. . . .

[43] Q (By Mr. Roitman) Do you recall the card that you signed for membership had a provision in it that said that you could resign or withdraw within ten days from the termination of the contract?

A Ten days from the contract?

Q Yes.

A I didn't know at the time.

Q Well, do you recall the statement that you made to the Board at—

A Yes, I do. But when I sent my resignation in I didn't know what the card said, that after I seen the card, I went to the Union hall. I seen the card. I read it then.

Q And you agree that you told the Board that the card said that you could resign from the Union ten days before the contract ends.

A Yes.

. . . .

[54] FURTHER EXAMINATION

Q (By the Trial Examiner) Directing your attention to the Union meeting at which the strike vote was taken—

A Yes.

Q —do you recall what the motion was on which you voted with respect to the strike?

A What it was?

Q Yes.

A Not offhand.

Q Were there any other separate motions made at that time?

A There were other motions made, but I can't remember how they all went.

Q Do you recall a motion being made with respect to the obligations of the strikers about going back to work?

A The strikers going back to work?

Q Yes. Was anything discussed or was there a motion about what would happen to strikers who returned to work?

A Yes.

Q What was that?

A That they'd be fined.

Q Was that a different motion than the strike vote [55] itself?

A I can't remember at this time.

* * *

Q (By Mr. Kennedy) Well, Mr. Kimball, do you recall voting for the strike?

A Yes.

Q Do you recall voting for a fine?

A (No response.)

Q Do you remember voting for a fine?

A No.

MR. KENNEDY: You don't. All right.

RECROSS-EXAMINATION

Q (By Mr. Roitman) You remember that a vote was taken though.

A Yes.

Q And you remember that it passed?

A Yes.

Q As a matter of fact, it passed without any opposition at all.

MR. KENNEDY: What vote is this now?

MR. ROITMAN: Vote with respect to the fine.

THE WITNESS: Yes.

Q (By Mr. Roitman) And you personally made no attempt to oppose that motion for a fine.

A No.

[56] TRIAL EXAMINER: Was the amount of the fine stated in the motion?

THE WITNESS: Yes.

TRIAL EXAMINER: Do you recall what it was?

THE WITNESS: Two thousand dollars.

* * *

[57] Q When you started work, you were given a copy of what is now General Counsel's No. 8, an agreement between the Company and the Union.

A Right.

Q And that was sometime in the summer of '67—May, I guess?

A May.

Q I forget the exact testimony.

And then some six or seven months later after that, you went to Charles Fields, your shop steward, and told him you wanted to become a member of the Union.

A Right.

.

[58] Q (By Mr. Roitman) All right. Well, I show you General Counsel's 6, and when you signed that, wasn't there, in fact, another section underneath which you also signed?

A There could have been, yes. I am not sure.

.

[59] Q (By Mr. Roitman) The next question was after you signed that card and in the subsequent months your Union dues were deducted from your pay by the Company, and the Company notified you that they were deducting the dues.

A They started the deducting the dues as far as I remember.

Q And when they gave you your pay envelope, or pay jacket, they noted on it there was a deduction for Union dues.

A Right.

Q And that continued every month that you continued [60] in the employ of the company.

A Right.

Q And received pay checks through September of 1967.

A Yes.

Q '68—excuse me.

A Yes.

Q Through September, 1968.

A Yes.

Q And at no time did you ever notify the Company prior to the call of the strike that you wanted them to discontinue any deductions of your dues.

THE WITNESS: No.

[61] MR. ROITMAN: Well, I am willing to stipulate in behalf of the Union that prior to the expiration of the collective bargaining agreement, which is General Counsel's 3, I believe, the parties entered into negotiations for a new contract containing change in terms and conditions but that they were never able to arrive at a satisfactory agreement and that on September 20, after this contract expired, the Union started a strike for new and improved contract terms and conditions and that this strike is still in progress.

TRIAL EXAMINER: All right.

MR. KENNEDY: I will so stipulate.

[63] Q (By Mr. Roitman) Mr. Kimball, I believe you testified originally that you received various communications from the Union with respect to Union meetings and other matters after the beginning of the strike.

A Yes.

Q And among other things do you recall receiving a communication from the Union with respect to the continuation of your insurance coverage?

A Yes.

[65] Q (By Mr. Roitman) But you did receive this letter and thereafter you never advised them with respect to discontinuing your insurance?

A I never told them to keep it.

MR. ROITMAN: May I introduce this as Respondent's Exhibit 1.

[67] TRIAL EXAMINER: Thank you.

The letter dated December 12, 1968, which has been marked as Respondent's Exhibit 1, advises you that you

can continue the insurance coverage and by arranging for payment of such coverage. What was your testimony with respect to that?

THE WITNESS: I never went and—I never wanted any insurance from them.

TRIAL EXAMINER: While you were employed by the Company, was the insurance coverage premium deducted from your pay?

THE WITNESS: No.

[68] TRIAL EXAMINER: Do you know how it was paid?

THE WITNESS: The Company paid it.

TRIAL EXAMINER: The Company paid it all?

THE WITNESS: (Nodding head.)

TRIAL EXAMINER: There was no deduction from your pay for it?

THE WITNESS: As far as I know, there wasn't.

MR. ROITMAN: I think you will find it set forth in the contract.

FURTHER REDIRECT EXAMINATION

Q (By Mr. Kennedy) You made no payments of your own toward that insurance, correct?

A No.

Q At any time.

A No.

MR. KENNEDY: All right. I have no further questions.

(Witness excused.)

MR. KENNEDY: General Counsel calls Mr. Felix Radziewicz, please.

Whereupon,

FELIX ALFRED RADIEWICZ

was called as a witness by and on behalf of the General Counsel and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

[69] Q Now, when did you first start working at International Paper Box, Mr. Radziewicz?

A April, 1960.

Q And what was your job there?

A I started as a painter in the paint shop.

Q And then where did you go from there?

A Assembly department.

Q And did you do any other work in the plant?

A No.

Q Now, did you become a member-after you joined the Company, did you become a member of Local 1029 of the Textile Workers Union?

A Yes.

Q When did you join that Union?

A Probably about thirty days after.

Q Thirty days after you came to work?

A They gave you thirty days to decide, I guess it was.

Q How did it come about that you joined?

A The steward come over and ask you to join a Union if you want.

[70] Q And did you join at that time?

A Well, I waited, and then after I joined.

Q How long after you worked?

A Well, I took thirty days.

Q To think about it?

A (Nodding head.)

Q And then you decided to join?

A (Nodding head.)

Q Now, up until the date of the strike, which began on September 20, 1968, did you continue to be a dues-paying member of the Union?

A Yes.

Q Now, when you went on strike, did you go to work somewhere else?

A Yes.

[71] Q (By Mr. Kennedy) All right. During the month of November of in late October, did you take any steps with respect to going back to International?

A Well, I was thinking about it in November.

Q What did you do?

A Well, I quit Beebe Rubber Company because I had been making more at International. So, I went back.

Q Now, do you remember approximately when this was that you quit Beebe Rubber?

A Just before Thanksgiving, I guess it was.

Q Now, during the month of November, did you send a letter to the Union concerning your membership?

A Yes.

.

[72] Q (By Mr. Kennedy) Now, Mr. Radziewicz, showing you what has been marked for identification as General Counsel Exhibit No. 7, is this a true copy of the letter which you sent to the Union?

A Yes.

Q And would you look at the rest of these documents and see if that's the outside envelope of that letter.

A Yes.

Q And the other documents—would you look through them and make sure those are the postal receipts, the originals.

A Yes.

.

[73] Q (By Mr. Kennedy) Now, did you subsequently receive a reply to your letter?

A Yes.

.

Q (By Mr. Kennedy) Showing what has been marked for identification as General Counsel's Exhibit No. 8, would you look at this and tell me if this is a copy of the Union's reply to your letter.

A Yes.

.

[74] Q (By Mr. Kennedy) After November 8—you received a letter on November 8?

A Yes.

Q Did you go back to work after that?

A Yes.

Q When did you go back to work? Do you remember what day you went back to work?

A At International?

Q Yes.

A Twenty-fifth.

Q November 25?

A Yes.

Q How many days did you work there?

A Three days.

Q And the plant was still on strike at that time.

A Yes.

* * *

[81] Q (By Mr. Kennedy) Now, after your conversation with Pitarys on the evening of November 27, did you go back to work after that?

A No, not at the International.

Q What did you do after that?

A Looked for another job. Went down to Sandera.

* * *

[82]

CROSS-EXAMINATION

[89] Q (By Mr. Roitman) All right. Now, after you joined the Union back in 1960, you attended Union meetings from time to time?

* * *

[90] A Off and on.

Q And you participated in Union affairs as you desired to participate.

A Yes.

Q At any time did you request a copy of the Union Constitution and By-Laws?

A Well, they gave me one.

* * *

[91] Q And you attended the meeting that was held on Sunday before the strike started?

A Yes.

Q You were present at the time that the vote was taken to go on strike?

A Yes.

Q And you voted in favor of it.

A Well, they all stood up. I might as well stand up, too.

Q You stood up in favor of it?

A That is right.

.

[98] Q And do you recall anything with respect to the continuation of your insurance at the Company?

A They said that they'd take care of it.

Q When you say, "They said they'd take care of it," who said that to you?

A Tom.

Q Tom Pitarys?

A Yes.

Q And was that at a meeting?

A Yes.

Q Do you recall when that meeting was?

A No, I don't recall when it was.

Q And at any time did you advise the Union that you did not want your insurance taken care of?

A No, I didn't advise them.

.

[111] THOMAS J. PITARYS

was called as a witness by and on behalf of the Respondent and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

.

Q And what is your occupation?

A I'm the manager of the Granite State Joint Board, Textile Workers Union.

.

[113] Q All right. Now, can you tell us when the meeting was in which the Local Union voted to go on strike?

A The meeting, to the best of my recollection, was September 21. The meeting that was the official strike meeting was the Saturday prior to the 20th. As to the date, I will have to refer to the calendar.

.

Q And what took place at that meeting?

A At that meeting the discussion was on the report as to the negotiation between the Company and the Union Committee; and then, of course, the question was brought up what was the membership going to do on midnight, September 20. And at that time the strike vote was taken.

Q All right. Can you tell us what the vote was with respect to going on strike?

A The strike vote to the best of my recollection was, with the exception of one dissenting vote, it was overwhelming majority.

Q And after the strike vote was taken, were there any other resolutions, motions passed by the meeting?

A That was on the following Saturday, which was September 21.

Q And will you tell us what action was taken or what motion [114] was made at that time.

A Well, at that meeting the question of unity and solidarity was discussed among the members; and one of the members made a motion that anyone that was aiding and abetting the Company or any of its officials would be subject to a \$2,000 fine or any such amount that the Local Union would decide on.

Q All right. And was there discussion of that motion that you recall?

A No, I can't recall any discussions.

Q Do you recall what the vote was with respect to that?

A The vote was unanimous.

Q Now, at that time—incidentally, are you familiar with the witness Radziewicz?

.

[115] Q At the meeting at which the strike vote was taken, did you observe him to be present?

A Oh, yes, I did.

Q And at the meeting at which the resolution with respect to this \$2,000 that you have just referred to, did you observe Mr. Radziewicz?

A He was present.

Q Now, at sometime during the course of the strike did you receive a letter from Mr. Radziewicz, which has been introduced as General Counsel's Exhibit 7?

A Yes, we did.

.

[116] Q And after receiving that, did you mail him a letter?

A Yes, I did.

Q And that's been put in evidence as General Counsel's Exhibit 8. That was the letter dated November 8.

A That's right.

Q And did you incidentally, the same letter with respect to Mr. Kimball was sent?

A The same letter, but I omitted the P.S. part of it.

.

[128] Q Now, after the strike started, did the Union take steps to continue the insurance coverage of the employees?

A On that first meeting of the strike, as a result of the Company telling us that they were going to drop the insurance coverage, I took it upon myself without clearance from higher officials that rather than drop the insurance and leave the members without any coverage and without any protection whatsoever, I felt that we should carry that insurance; and we so reported it. I reported it to the general membership meeting that rather than dropping the insurance, the Union [124] would pay the premium. And the Union did reimburse the Company for the premiums.

Q Now, this was the group life and health insurance carried?

A Yes.

Q Under the collective bargaining agreement?

A Yes, sir.

Q Which has already been introduced in evidence?

A Yes.

Q Under the prior collective bargaining agreement, the hospitalization benefits and life insurance benefits were paid for by the Company.

A Yes.

Q And that was one of the questions of—those benefits was one of the issues in the strike, and the Company immediately informed the Union that if there was a strike they could discontinue all group insurance, is that right?

A Yes.

Q And at this point you stated you took it on yourself and arrangements were made with the insurance company for the premiums to be paid through the Union.

A No. The first three months we were reimbursing the Company. We would send the check to the Company paying the total cost of the insurance for our members. But, then, as of December, the Company had told us, or rather, I'm sorry, this [125] was our first meeting after Christmas. And the Company had said that they don't like the arrangements any more and that as far as they were concerned the insurance was going to be dropped completely.

Q But with respect to the period from September through December, the Union paid the premium.

A Yes.

Q In this case, as you pointed out, they paid it through the Company by the members by a check.

A Yes.

Q And during this period of time, among others, was Felix Radziewicz covered and Maurice Kimball covered?

A Yes, they were.

Q And did you ever receive any notification from either of these two that they wanted their insurance coverage which would be carried through the Union canceled?

A No, sir.

[135] **TRIAL EXAMINER:** All right. I'd like to go into something now, if I may, if it doesn't upset your cross-examination. I have looked briefly at the last expired contract, General Counsel's Exhibit 3. It's my impression that there was no Union security clause in the contract, is that true?

[136] **THE WITNESS:** Just maintenance and membership.

[163] REDIRECT EXAMINATION

Q (By Mr. Roitman) Mr. Pitarys, I show you a document entitled "Constitution of Textile Workers Union of America." Is that the governing document for the Union?

A Yes, it is.

Q And that one is dated June, 1966. That was the operative Constitution with the amendments up to that date, which was in effect in 1968 when the strike went on?

A Yes.

MR. ROITMAN: May I offer that as Respondent's 4. Incidentally, in accordance with the Constitution, are there specific provisions under which discipline can be meted [164] out to an individual?

THE WITNESS: Yes.

(The document above-referred to was marked Respondent's Exhibit No. 4 for identification.)

Q (By Mr. Roitman) Discipline and trials as set forth in Article 13 beginning on page 24 of the Constitution?

A Yes.

Q And I believe there are further references to the appeal procedure and to membership rights in other sections of the Constitution.

A That's right.

Q In addition to the Constitution of the Textile Workers Union of America, is there a Constitution and By-Laws of the Granite State Joint Board?

A There is.

Q And I show you a copy. Is that a copy?

A That's it.

Q Does that, as a matter of fact, word for word repeat the disciplinary provisions of the International Constitution?

A Yes.

.

[165] MR. ROITMAN: Excuse me. May I specifically offer the Union Constitution as Respondent's Exhibit 4

and the By-Laws of the Granite State Joint Board as Union's Exhibit 5.

(The document above-referred to was marked Respondent's Exhibit No. 5 for identification.)

TRIAL EXAMINER: All right, Mr. Kennedy?

MR. KENNEDY: They are being introduced for what purpose?

MR. ROITMAN: To show the Constitution and By-Laws of the Union organization under which they operate.

TRIAL EXAMINER: Well, I suppose you've made some specific reference to the provisions on punishment and discipline.

MR. ROITMAN: Yes. Incorporated within the By-Laws are the basic provisions under which the Union can impose discipline with respect to its membership.

MR. KENNEDY: Well, that is the specific purpose, I have no objection to admitting them for that specific purpose.

[166] TRIAL EXAMINER: Respondent's Exhibits 4 and 5 are received.

* * * *

TRIAL EXAMINER: Well, let me ask you this before we get off of it: Is Local 1029 an entity separate and apart [167] from the Granite State Joint Board?

THE WITNESS: It's an affiliate of the Granite State.

TRIAL EXAMINER: Does it have its own by-laws?

THE WITNESS: It has its own by-laws.

MR. ROITMAN: So that the record may be complete, there are also by-laws of Local Union 1029.

What was your answer?

TRIAL EXAMINER: There was no question.

Q (By Mr. Roitman) Are there by-laws of Local Union 1029?

A Yes.

* * * *

[168] Q Now, incidentally, with respect to resignations from membership in the Union, have there been over the course of the years that Local 1029 has been the collective bargaining agent along with the Granite State Joint

Board at the International Paper Box Company resignations from any of the members?

A Yes.

Q And in order for those resignations to be accepted, did they comply with the time period specified in the membership application?

A To the best of my knowledge, yes.

Q Over the course of years, how many resignations do you recall have been received?

A I don't know. I recall three at least.

Q And in each case did the employee who was interested in resigning tender his resignation within the appropriate period?

A Yes.

MR. KENNEDY: Well, let me ask to find out what is the appropriate period.

MR. ROITMAN: The collective bargaining agreements between the Union and the Company for whatever period of years they ran started and terminated in September, is that correct?

THE WITNESS: Most of them, yes.

[169] Q (By Mr. Roitman) And I am referring you to the one that's been introduced in evidence, the most recent agreement. That ran from the 20th of September, '65, to the—

A Twentieth of September of '68.

Q And the prior contract expired on the 20th of September '65?

A It was September 19 or thereabouts.

Q Within a day or two of departure?

A Yes.

Q It was the anniversary date, in other words that came up in September?

A Yes.

Q Some of the contracts were for three-year period. Some were for lesser periods, but the annual date would be—

A September, yes, sir.

Q Is it your testimony that in the resignations that were received and accepted by the Local that the resignations came within the appropriate ten-day period?

A Yes.

Q And the letter that you received from Radzieweicz and Kimball came long after the period had passed.

A Yes, sir.

* * *

[170]

RECROSS-EXAMINATION

Q (By Mr. Kennedy) Mr. Pitarys, you testified that you had at least three resignations, right?

A That I recall.

Q Do you know who the names of those people are?

A I don't remember.

Q But they all involved people in International Paper Box?

A Yes, sir.

Q Who were Union members?

A Yes, sir.

Q Who had signed a check-off clause as well?

A Yes, a bona fide Union member.

Q And you knew they all withdrew during the ten-day period. Well, let me ask you this: How do you know that they all withdrew during the proper ten-day period?

A We checked the dates.

* * *

[171] Q In the resignations that you say you were aware of, about when did these resignations take place?

A Within ten days after the contract.

* * *

[174] Q (By Mr. Kennedy) Now, Mr. Pitarys, you testified with [175] to three Union documents—the Textile Workers Constitution, the Granite State, which, I believe, is the same as Local 1029.

A It isn't the same. The Granite State Joint Board is composed of Local Unions within the areas specified.

Q Along which is 1029.

A That is right.

Q So, you have got in evidence Textile Workers Union Constitution for the Country, the Granite State Constitution and By-Laws of Local 1029.

A Yes.

Q Now, showing you these three documents, can you direct my attention to any part of these documents which in any way restricts a man's right to withdraw from membership from the Union?

A Does what?

Q Restricts in any way a man's right to withdraw from membership in the Union, in any way says he cannot do or he has ten days to do it?

A There are no provisions in the documents.

Q Concerning withdrawal from membership?

A That is right.

* * *

[176] FURTHER REDIRECT EXAMINATION

Q (By Mr. Roitman) The question was kind of an argumentative, negative. And, in fact, there are provisions in there, Mr. Pitarys, with respect to an individual who may leave the industry?

A Oh, yes, we have. We have provisions for withdrawal and transfers.

Q And those are spelled out in the Constitution.

A They are.

TRIAL EXAMINER: Well, is there anything specifically said one way or the other about resignation?

THE WITNESS: Not resignation as such, but leaving the industry and transferring from one Local to another.

TRIAL EXAMINER: Getting a withdrawal card.

THE WITNESS: Withdrawal card, yes.

* * *

[177] FURTHER RECROSS-EXAMINATION

Q (By Mr. Kennedy) Well, when you refer to leaving the industry, is that the situation that we are talking about here today involving Mr. Radziewicz and Mr. Kimball?

A I can't answer that because I don't know if they have made up their minds to leave the industry. I can't answer that. They will have to answer it. If they applied

for withdrawal card, we will be more than happy to provide one for them. I don't know what their intentions are.

Q If you don't have that withdrawal card, Mr. Pitarys, what are the consequences?

A Nothing. The withdrawal card merely indicates that an individual, a member of this Union, has a right to request a withdrawal and go into another industry or leave our organization; and then when they do return, it saves them an initiation fee.

Q So, the consequences of not complying with the withdrawal—

A Is just merely to save an initiation fee. That's all.

MR. KENNEDY: I see.

MR. ROITMAN: Well, it might have some consequences with respect to whether or not they want to join another affiliate of the AFL-CIO.

THE WITNESS: Yes, it would. It helps.

* * *

[179]

MORRIS AREL

was called as a witness by and on behalf of the Respondent and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

* * *

Q In 1968 and in 1969 you have been a member of the Local Union?

A Yes, I have.

Q And are you employed by the International Paper Box Machine Company?

A That's right.

Q How many years?

A Seven years.

Q And what is your current position in the Local?

A Vice-President.

Q And at the time of the September meeting, what was your position?

A Recording Secretary.

Q Now, in accordance with your duties as Recording Secretary were you present at the meetings that have been referred to when the strike vote was taken?

[180] A Yes.

Q And the motion was made with respect to a fine?

A Yes.

Q Did you observe either of the two Charging Parties, Felix Radziewicz or Maurice Kimball, present at those meetings?

A I saw Felix Radziewicz. I didn't see Kimball because I didn't know him up. Until this morning I didn't know who Mr. Kimball was.

.

Q Well, all right, you observed him at the meetings. Will you tell us did Mr. Radziewicz or anybody else speak in opposition to the strike?

A No.

Q Did you observe him vote for it?

A Yes.

Q And with respect to this \$2,000, will you tell us what if anything was said or done with respect to that.

[181] A There was no opposition.

Q Will you tell us, first of all, do you know who made the motion?

A Yes—Robert Wright.

Q You recognize him as one of the workers in the plant?

A Yes.

Q And will you tell us to the best of your recollection what his motion was.

A That anyone who aids or abets the Company officials or the Company will be fined \$2,000 or any amount determined by the Union.

.

Q (By Mr. Roitman) And do you recall what the vote was on that?

A It was unanimous.

.

was called as a witness by and on behalf of the Respondent and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

.

Q What is your occupation?

A I am the Business Agent of the Textile Workers Union.

Q That is the Granite State Joint Board?

[192] A The Granite State Joint Board.

.

Q Now, as Business Agent of the Local, were you present at the Local Union meeting in September of 1968?

A I was.

Q And did you observe Mr. Radziewicz or Mr. Kimball either [193] or both present at the meetings?

A Felix Radziewicz I recognized; in fact, I think at one meeting I talked to him. Mr. Kimball I did not know. I didn't put the face with the name until today.

Q And do you recall a motion in favor of a strike?

A Yes, I do.

Q And was there any opposition to that motion?

A None whatsoever.

Q Carried unanimously?

A Yes.

Q Were you present when the motion was made with respect to a fine for aiding and abetting the Company?

A Yes, I was.

Q Can you give us to the best of your recollection the wording of the motion?

A The wording of the motion was that there would be a \$2,000 fine for anybody aiding and abetting the Company or any of its officials or any other amount to be set by the Union.

Q Do you recall any discussion or anything with respect to that motion?

A There was very little discussion because it was a unanimous vote.

.

GENERAL COUNSEL'S EXHIBIT No. 8**AGREEMENT**

between

**The International Paper Box
Machine Company**

and

**Textile Workers Union
of America, Local No. 1029
A.F.L.-C.I.O.****ARTICLE II****RECOGNITION AND UNION SECURITY****A. RECOGNITION.**

The EMPLOYER hereby recognizes the UNION as the exclusive representative for the purpose of collective bargaining as to wages, hours and other conditions of employment for all of its employees employed on production and maintenance, including shipping and stock room employees, but excluding executives, supervisory, office clerical, factory clerical, employees in the drafting room, watchmen and demonstrators.

B. MAINTENANCE OF MEMBERSHIP.

All employees who are UNION members on the date of signing hereof or who hereafter join the UNION during the original or any extended term hereof shall remain members of the UNION in good standing as to payment of dues during the original or any extended term hereof. The terms of this provision shall be posted on the bulletin boards on which notices to employees are usually posted after the signing date hereof and after said renewal date.

C. CHECKOFF OF UNION DUES.

The EMPLOYER agrees that it will during the full term of this Agreement and any extension of renewal

thereof, deduct weekly from the wages of each employee who authorizes same in writing, UNION dues, including initiation fee, in such amounts as shall be fixed pursuant to the By-laws of the Local and the Constitution of the UNION. The total amount so deducted during each month shall be remitted to the Union or its designee, not later than the tenth day of succeeding month.

GENERAL COUNSEL'S EXHIBIT No. 5

William Pollock, General President

John Chupka, General Sec'y-Treas.

Thomas J. Pitarys, Joint Board Manager

GRANITE STATE JOINT BOARD

Textile Workers Union of America

Affiliate of the AFL-CIO

**814 Elm Street—Suite 420
Manchester, N.H. 03101
Tel. 603-625-8941**

**21 High Street
Nashua, N. H. 03060
Tel. 603-889-1128**

November 27, 1968

**Mr. Maurice Kimball
32 Woodward Ave
Nashua, N.H. 03060**

Dear Maurice:

We received your letter and must say that we are very much surprised at your attempt to resign as a member of local # 1029.

It is evident that you are not familiar with the provisions and procedure that you are required to adhere to when you chose to become a member of the Union.

Accordingly, you are still considered a member in good standing and must abide by the rules and regulations of the Union.

In the event you have any thought that your action removes you from your obligations as a union member, or that you have the right to cross the picket lines, let me caution you that you will be subject to a fine of \$2,000 as per the unanimous action taken by the local union.

We hope you will not attempt to do anything foolish that may hurt your fellow workers and brothers.

We hope you remain solid with them to protect your rights and resolve the strike in an honorable manner.

Don't let the company supervisors promise you the world because without a union you will be their slave and they will eliminate you after they use you for their purpose.

So, Maurice, think very seriously before you sell your friends and fellow workers down the river.

Sincerely and Fraternally,

/s/ Thomas J. Pitarys
THOMAS J. PITARYS
Manager

TJP/p

GENERAL COUNSEL'S EXHIBIT No. 6

12-26-62

International Paper Box Machine Co. Bench Dept.
I, the undersigned hereby accept membership in Textile
Workers' Union of America, AFL-CIO, and do hereby
authorize and direct.

INTERNATIONAL PAPER BOX MACHINE
COMPANY, NASHUA

which is my employer, to deduct from my wages the membership dues including initiation fees, in the amount fixed pursuant to the Constitution and the By-Laws of my Local Union and to pay over same to the Union or its designated agent pursuant to the provisions of any current or future collective agreement.

This authorization shall remain in effect until revoked by me and shall be irrevocable for a period of one year from the date hereof or until the termination date of any applicable collective agreement, which ever occurs sooner; unless I revoke it by sending written notices to my Employer and the Local Union by registered mail, only during a period of ten days immediately succeeding the termination date of any applicable collective agreement or yearly period, it shall be automatically renewed as an irrevocable check-off from year to year, until duly revoked as herein provided.

Social Security No. 002-32-2639

Witness Charles F. Field

Steward

/s/ Maurice K. Kimball J., II
32 Woodward Ave.
Nashua, N. H.

GENERAL COUNSEL'S EXHIBIT No. 8

William Pollock, General President

John Chupka, General Sec'y Treas.

Thomas J. Pitarys, Joint Board Manager

**GRANITE STATE JOINT BOARD
Textile Workers Union of America**

Affiliate of the AFL-CIO

**814 Elm Street—Suite 420
Manchester, N. H. 03101
Tel. 603-625-8941**

**21 High Street
Nashua, N. H. 03060
Tel. 603-889-1128**

November 8, 1968

**Mr. Felix Radziewicz
233 Lake Street
Nashua, N.H.**

Dear Felix:

We received your letter and must say that we are very much surprised at your attempt to resign as a member of local # 1029.

It is evident that you are not familiar with the provisions and procedure that you are required to adhere to when you chose to become a member of the Union.

Accordingly, you are still considered a member in good standing and must abide by the rules and regulations of the Union.

In the event you have any thought that your action removes you from your obligations as a union member, or that you have the right to cross the picket lines, let me caution you that you will be subject to a fine of \$2,000 as per the unanimous action taken by the local union.

We hope you will not attempt to do anything foolish that may hurt your fellow workers and brothers.

We hope you remain solid with them to protect your rights and resolve the strike in an honorable manner.

Don't let the company supervisors promise you the world because without a union you will be their slave and they will eliminate you after they use you for their purpose.

So, Felix, think very seriously before you sell your friends and fellow workers down the river.

Sincerely, and Fraternally,

/s/ Tommy
THOMAS J. PITARYS
Manager

P.S. Remember, *you* voted for the strike.

RESPONDENT'S EXHIBIT No. 4

TEXTILE WORKERS UNION OF AMERICA,
AFL-CIO, CLC

CONSTITUTION

JUNE, 1966

As adopted May, 1939 and amended through succeeding
conventions including the Fourteenth Biennial
Convention

ARTICLE XI

Membership

Section 8. Any member in good standing may withdraw from membership upon leaving the industries within the jurisdiction of this International Union. A withdrawal card shall be issued to such withdrawing member and he or she shall thereupon lose all rights and privileges of a member and shall be exempt from the payment of dues and assessments. A member who has withdrawn may subsequently be reinstated without the payment of an initiation fee.

RESPONDENT'S EXHIBIT No. 5

CONSTITUTION

and

BY-LAWS

GRANITE STATE JOINT BOARD

Textile Workers Union of America, AFL-CIO

* * * *

ARTICLE IX

Transfers and Withdrawals

Section 1. Any member who is in good standing may transfer his or her membership to another Local of the International in the Joint Board within ninety (90) days from the date of a lay-off or termination from their previous employment. Upon application to the Union Office he shall receive a transfer card, which shall admit him to the Local Union to which he desires to be transferred, provided he is eligible for membership in such Local Union and complies with the transfer provisions of the By-Laws governing the Local Union to which he seeks to be transferred.

Section 2. Any member who is in good standing in his or her Local Union may withdraw from membership within thirty days upon leaving his or her employment and receive a withdrawal card. Thereafter, the withdrawing member shall lose all rights and privileges of a member of this Local Union, and the International and shall be exempt from the payment of dues and assessments. A member who has withdrawn may subsequently be reinstated without payment of an initiation fee, provided, however, that during the period of withdrawal, such person has not engaged in activities against the best interests of the Local and the International.

Section 3. Any member not complying with either Section 1 or Section 2 shall be subject to payment of the

initiation fee in the Local Union such person shall apply for membership.

ARTICLE X

Discipline

Section 1. (a) The term "discipline" when used in this Article, shall include, without limitation, a fine, removal from office, disqualification to run for office, or suspension or expulsion from membership.

RESPONDENT'S EXHIBIT No. 6**TEXTILE WORKERS UNION
OF AMERICA, AFL-CIO
BY-LAWS****Local Union No. 1029****Nashua, New Hampshire**
• • • •**ARTICLE X****Transfers and Withdrawals**

Section 1. Any member who is in good standing may transfer his membership to another. Local of the International. Upon application to the Financial Secretary of the Joint Board he shall receive a transfer card, which shall admit him to the Local Union to which he desires to be transferred, provided he is eligible for membership in such Local Union and complies with the transfer provisions of the By-Laws governing the Local Union to which he seeks to be transferred.

Section 2. Any member who is in good standing in this Local Union may withdraw from membership upon leaving the industry, and shall receive a withdrawal card. Thereafter, the withdrawing member shall lose all rights and privileges of a member of this Local Union, and the International and shall be exempt from the payment of dues and assessments. A member who has withdrawn may subsequently be reinstated without payment of an initiation fee, provided, however, that during the period of withdrawal, such person has not engaged in activities against the best interests of the Local and the International.

**BEFORE THE NATIONAL LABOR RELATIONS
BOARD
First Region**

**Case Nos.
1-CA-1504 (1-4)
1-CB-1584
1-CB-1460 (1-2)**

**IN THE MATTER OF
GRANITE STATE JOINT BOARD, TEXTILE WORKERS UNION
OF AMERICA, LOCAL 1029, AFL-CIO (International
Paper Box Machine Company)**

**Ward 5 Room
City Hall
Nashua, New Hampshire
Thursday, November 20, 1969**

The above-entitled matter came on for hearing, pursuant to notice, at 10:00 o'clock a.m.

BEFORE:

MILTON JANUS, ESQ., Trial Examiner.

APPEARANCES:

THOMAS P. KENNEDY, ESQ. John F. Kennedy
Federal Building, Boston, Massachusetts, appearing
as Counsel for the General Counsel.

GERARD P. COBLEIGH, ESQ. John F. Kennedy
Federal Building, Boston, Massachusetts, appearing
as Counsel for the General Counsel.

HAROLD B. ROITMAN, ESQ. 6 Beacon Street, Boston,
Massachusetts, appearing on behalf of the Respondent.

* * * * *

[6] MR. KENNEDY: I think we can move on to the area of stipulations. I would offer for purposes of stipula-

tion a letter, a letter dated June 10, 1969, from Local 1029 of the Textile Workers Union of America, AFL-CIO, in Nashua, addressed to Members and signed Leo D. Simard, President. This letter refers to a fine of \$2,000 and as well refers to U. S. Supreme Court and so on. I would offer this for stipulation in this fashion that this letter was sent to all of the 31 individuals involved in this case, employees of the National Paper Box.

TRIAL EXAMINER: Well, who are the individuals involved in this case? How can they be classified?

MR. KENNEDY: Perhaps the only way to do this, your Honor, is to read into the record all their names.

TRIAL EXAMINER: No, but I mean what common bond joins them together?

MR. KENNEDY: Well, all of them have—all of them were members of Textile Workers Union Local 1029; all of them went on strike at the inception of the strike; all of them sent letters of resignation to the Union; and subsequently all of them returned to work; that is essentially their common bond.

TRIAL EXAMINER: Well, that's what I thought, and what I wanted to have on the record. Is that in accordance with your [7] understanding, Mr. Roitman?

MR. ROITMAN: Well, when you say all of them I have to part company. I'm not aware that all of them fall into these categories, but there are a group of people who have been—

TRIAL EXAMINER: Who have resigned or attempted to resign and have gone back to work?

MR. ROITMAN: Attempted to resign.

TRIAL EXAMINER: All right.

MR. KENNEDY: May I offer this then, this letter of June 10, by stipulation?

TRIAL EXAMINER: Well, suppose we mark it as an exhibit, shall we do that, so that we don't have to read it into the record?

MR. KENNEDY: Can we mark for identification as General Counsel's Exhibit No. 2 a June 10 letter signed Leo Simard, June 10, 1969.

(The document above-referred to was marked General Counsel's Exhibit No. 2 for identification.)

TRIAL EXAMINER: Do you have the list of names, Mr. Kennedy, to whom the letter was sent?

MR. KENNEDY: No, this was a general letter addressed to all members.

TRIAL EXAMINER: I see.

MR. ROITMAN: I have no objection to it as a document.

[8] TRIAL EXAMINER: All right. Do you agree that the document is authentic, was sent to all members?

MR. ROITMAN: I have problems with its relevancy but not with its authenticity as a document.

MR. KENNEDY: I would offer it as General Counsel's Exhibit No. 2.

TRIAL EXAMINER: All right. It is received.

* * *

MR. KENNEDY: All right. I would also offer General Counsel's Exhibit No. 3, a two-page document consisting of an August 4, 1969 letter signed Ralph Boucher, Recording Secretary of Local 1029; the second document which could be called 3A is a copy of a charge filed with Mr. Boucher by a member of Local 1029. May I have that marked as General Counsel's Exhibit No. 3 and 3A.

(The documents above-referred to were marked General Counsel's Exhibits No. 3 and 3A for identification.)

TRIAL EXAMINER: Mr. Roitman, do you have any objections?

MR. ROITMAN: No, I have no objection to the fact that this was sent to Mr. Bernier.

MR. KENNEDY: Now I offer this as a document—as General Counsel's 3 and 3A, but also by way of stipulation, this is addressed to Mr. Roger Bernier. He is one of the 31 individuals [9] involved in the present case. I would—I would also wish that by way of stipulation it is agreed that all 31 individuals received similar letters.

TRIAL EXAMINER: All right. Well, first I will receive General Counsel's Exhibit 3 and 3A.

(The documents above-referred to, heretofore marked General Counsel's Exhibits No. 3 and 3A, were received in evidence.)

TRIAL EXAMINER: No, Mr. Roitman, do you have any comments on Mr. Kennedy's offer to stipulate that the same letter was sent to 30 or 31 other individuals?

MR. ROITMAN: Well, of course the same letter was not sent; each individual was charged separately and sent a separate notification addressed to him. This one is one addressed to one Roger Bernier.

TRIAL EXAMINER: Well, other than the superscription are the letters the same?

MR. ROITMAN: Generally speaking that's true. I don't know whether they're identical or not.

TRIAL EXAMINER: All right. The effect is the same; they are charged with violating Article 13 of the by-laws, and they are requested to make an appearance to answer the charges.

MR. ROITMAN: Right.

* * *

[12] **TRIAL EXAMINER:** On the record. The Reporter has been handed by Mr. Kennedy an alphabetical list of 31 names who as Mr. Kennedy previously described are or were employees of International Paper Box Machine Company in September, 1968, when the strike of Textile Workers Local 1029 began, who sent letters of resignation to the company thereafter, and who have since gone back to work. The Reporter will transcribe the list of names into the record.

MR. KENNEDY: Well, for the record may I make a correction. I believe, Your Honor, you said letters of resignation sent to the company. It should be letters of resignation sent to the union.

TRIAL EXAMINER: Yes, of course.

MR. ROITMAN: All right, I take it I'm not being asked to agree to the—any of these matters, simply that Counsel for the General Counsel is offering a list of names of people who will be involved in the hearing.

TRIAL EXAMINER: Yes. If you want to make any comment on [13] the factual statement that Mr. Kennedy has made, you're free to make it now or anytime.

MR. ROITMAN: Well, if it's testimony, I can't agree to it. There's been a blanket statement made with respect

to 31 people, and I can't agree at all that they all automatically have the same factual background.

TRIAL EXAMINER: All right. Well, let's take the 31 names down now.

Bealand, Alonzo; Bernier, Roger; Berube, Marcel; Boutin, Jean; Collard, Eugene; Depontbriand, Robert; Desjardins, Leonard; Dubois, Leo; Duval, Aurel; Francis, Bernard; Gagne, Roger; Gagnon, Adrian; Gamache, Clovis; Guerrette, Robert; Johnson, Hazen; Kimball, Maurice; Levesque, Armand; Makris, Peter; Marquis, Paul; Maynard, Ronald; Mayo, William; McAlister, Franklyn; Michaud, Roland; Nadeau, John; Radziewicz, Felix; Riendeau, Emilien; Roy, Robert; Runowicz, Zennie; Theriault, Alfred; Tremblay, Henry; Tyler, Gerald.

[16] **MR. KENNEDY:** General Counsel would offer this stipulation, that all 31 individuals previously named on the record were employed by International Paper Box Machine Company, went on strike in September of 1968, and at the time that they were employed and the time that they went on strike were members of the Respondnt union.

MR. ROITMAN: All right, I have no objection to that stipu- [17] lation, that as a stipulation I would go further and say that all of these employees who were members of the union voted in favor of conducting a strike against the International Paper Box Machine Company.

MR. KENNEDY: For what it's worth, I'll accept that as a stipulation.

TRIAL EXAMINER: All right. I don't know hqw anyone can tell; the vote, as I remember the proceeding, was unanimous, but whether all these 31 were at the meeting I have no way of knowing, but at least for my purposes if it's important at all; what is important is that the vote to strike and the vote to possibly impose a fine were taken at duly authorized meetings of the members of the Respondent and were adopted I think unanimously in the case of the strike vote and with only one decenting vote on the other point.

[18] MR. KENNEDY: I offer as General Counsel's 4, letter of resignation of June 6, 1969, signed Alonzo Bealand and addressed to Mr. Pitarya.

TRIAL EXAMINER: Make that 4(1).

* * *

MR. KENNEDY: I move the introduction of General Counsel's Exhibit 4(1).

MR. ROITMAN: No objection.

TRIAL EXAMINER: It's received.

MR. KENNEDY: I ask to have marked for identification as GC4(2) letter of resignation of Marcel Berube.

* * *

[19] TRIAL EXAMINER: Let's save the offer of all of them for one.

MR. KENNEDY: All right. I'm not offering it at this time. I'll make a blanket offer with respect to all letters of resignation after I've identified each one of these. This has been GC4(2), Marcel Berube, September 19, 1969. Next is Jean Boutin, B-o-u-t-i-n.

* * *

[20] TRIAL EXAMINER: All right. All to be marked GC4(3).

* * *

[21] MR. KENNEDY: I would ask to have marked for identification as General Counsel's Exhibit No. 4(4) a June 6, 1969 letter taken by subpoena from the files of the union addressed to who it may concern, Eugene Colard. Let me mark this as GC4(4), if you will.

* * *

[22] MR. KENNEDY: Name of the individual. All right. Fine. Marked for identification as General Counsel's Exhibit 4(5), letter dated July 25, 1969 from Robert dePontbriand.

(The document above-referred to was marked General Counsel's Exhibit No. 4(5) for identification.)

MR. KENNEDY: I mark for identification for General Counsel's Exhibit 4(6), a letter of September 17, 1969, signed Leo DuBois.

(The document above-referred to was marked General Counsel's Exhibit No. 4(6) for identification.)

MR. KENNEDY: Have marked for identification as General Counsel's 4(7), letter of June 20, 1969, from Aurel Duval.

(The document above-referred to was marked General Counsel's Exhibit No. 4(7) for identification.)

MR. KENNEDY: I wish to have marked for identification as General Counsel's 4(8), a letter of June 24, 1969, from Bernard J. Francis.

(The document above-referred to was marked General Counsel's Exhibit No. 4(8) for identification.)

MR. KENNEDY: For identification as General Counsel's Exhibit 4(9), a letter of June 17, 1969 from Roger Gagne.

(The document above-referred to was marked General Counsel's Exhibit No. 4(9) for identification.)

[23] MR. KENNEDY: For identification as General Counsel's 4(10), letter of August 21, 1969 from Adrian Gagnon.

(The document above-referred to was marked General Counsel's Exhibit No. 4(10) for identification.)

MR. KENNEDY: For identification as General Counsel's 4(11), a letter of July 9, 1969 from Clovis Gamache.

(The document above-referred to was marked General Counsel's Exhibit No. 4(11) for identification.)

MR. KENNEDY: For identification as General Counsel's 4(12), a letter of May 9, 1969 signed Hazen Johnson.

(The document above-referred to was marked General Counsel's Exhibit No. 4(12) for identification.)

MR. KENNEDY: For identification as General Counsel's 4(13), letter of November 25, 1968 from Maurice K. Kimball II. This is not an issue, but I'll make it—put it in the record anyway.

MR. ROITMAN: It's already been introduced in the previous [24] case.

TRIAL EXAMINER: Yes. All right, let's introduce it again. Let's keep it in order, yes.

MR. KENNEDY: That's 13, I believe.

(The document above-referred to was marked General Counsel's Exhibit No. 4(13) for identification.)

MR. KENNEDY: For identification as General Counsel's 4(14), letter of June 25, 1969 signed Armand Levesque.

(The document above-referred to was marked General Counsel's Exhibit No. 4(14) for identification.)

MR. KENNEDY: For identification as General Counsel's Exhibit 4(15), letter of June 12, 1969 signed Peter Makris Sr.

(The document above-referred to was marked General Counsel's Exhibit No. 4(15) for identification.)

MR. KENNEDY: For identification as General Counsel's Exhibit 4(16), a letter of September 7, 1969—June 7, 1969, signed by Paul R. Marquis.

(The document above-referred to was marked General Counsel's Exhibit No. 4(16) for identification.)

MR. KENNEDY: For identification as General Counsel's 4(17), letter of August 15, 1969 signed Ronald Maynard.

(The document above-referred to was marked General Counsel's Exhibit No. 4(17) for identification.)

[25] **MR. KENNEDY:** General Counsel's 4(18), a letter of June 23, 1969 signed William J. Mayo.

(The document above-referred to was marked General Counsel's Exhibit No. 4(18) for identification.)

MR. KENNEDY: For identification as General Counsel's 4(19), a letter of June 28, 1969 signed Franklyn H. McAlister.

(The document above-referred to was marked General Counsel's Exhibit No. 4(19) for identification.)

MR. KENNEDY: For identification as General Counsel's 4(20), a July 26th, 1969 letter signed Roland Michaud.

(The document above-referred to was marked General Counsel's Exhibit No. 4(20) for identification.)

MR. KENNEDY: As General Counsel's 4(21), a letter, two documents, a letter and the envelope. The letter is improperly dated Monday the 23rd, 1969, but the envelope indicates a postmark of June 23rd, 1969, signed John Nadeau, those two documents.

(The documents above-referred to were marked General Counsel's Exhibit No. 4(21) for identification.)

* * *

[26] **MR. KENNEDY:** For identification as General Counsel's 4(22), letter undated, two documents, a letter and the accompanying envelope, registered letter envelope, the envelope noting a November 5, 1968 stamp and signed Felix Radziewicz.

* * *

MR. KENNEDY: For identification as General Counsel's 4(23), letter of August 8, 1969 signed Emilien Riendeau.

(The document above-referred to was marked General Counsel's Exhibit No. 4(23) for identification.)

MR. KENNEDY: For identification as General Counsel's 4(24), a letter of June 12, 1969 signed Robert Roy.

[27] (The document above-referred to was marked General Counsel's Exhibit No. 4(24) for identification.)

MR. KENNEDY: For identification as General Counsel's Exhibit No. 4(25), a letter of August 15, 1969 signed Zennie S. Runowicz.

(The document above-referred to was marked General Counsel's Exhibit No. 4(25) for identification.)

MR. KENNEDY: For identification as General Counsel's 4(26), letter of August 16, 1969 signed Henry Tremblay.

(The document above-referred to was marked General Counsel's Exhibit No. 4(26) for identification.)

MR. KENNEDY: As General Counsel's Exhibit 4 (27), letter of August 1st, 1969 signed Alfred Theriault.

(The document above-referred to was marked General Counsel's Exhibit No. 4(27) for identification.)

MR. KENNEDY: That completes the letters of resignation which the union has turned over to the General Counsel pursuant to subpoena. I would now offer into evidence General Counsel's 4(1) through 4(27).

TRIAL EXAMINER: Mr. Roitman, do you have any objection?

MR. ROITMAN: I have no objection to the documents themselves. I can't agree with any of the comments made by Counsel as these were recited, but these are all documents that came [28] from the files of the Granite State—

TRIAL EXAMINER: All right, I will receive General Counsel's Exhibits 4(1) through (27) in evidence.

* * * *

ROBERT GUERRETTE

was called as a witness by and on behalf of the General Counsel and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

* * * *

[29] **Q** Were you employed by International Paper Box Machine Company prior to September, 1968?

A Yes.

Q And did you go on strike in September, 1968?

A Yes.

Q Now, Mr. Guerrette, did you at any time after that, after September, 1968, send to the union a letter or telegram notifying them of your resignation from the union?

A Yes, I did.

Q Can you recall as exactly as you can when you sent the telegram?

A It was in June of '69.

Q In June of '69?

A Yes.

Q And can you recall—can you tell us when you returned to work, if at all, at the International Paper Box Machine?

A July 14.

Q 1969?

A '69.

* * * *

CROSS EXAMINATION

* * * *

[31] Q (By Mr. Roitman) did you in connection with the strike engage in any picketing?

A Yes.

Q And did you receive—did you accept personal responsibility for the insurance coverage which the union provided?

A Yes.

* * * *

[32] REDIRECT EXAMINATION

Q (By Mr. Kennedy) Well, no, did anyone else accompany you to the Western Union office at that time?

[33] A Yes, there were two more individuals.

Q Who were they?

A Gerry Tyler and Roger Bernier.

Q And did they also sign the telegram?

A Yes.

* * * *

TRIAL EXAMINER: Well, I don't think it's necessary to get the Western Union records in either. Would you describe what type of communication you received from the union after [34] you sent the telegram?

WITNESS GUERRETTE: It was a statement acknowledging that they received it and as of the date out of the union.

TRIAL EXAMINER: A statement from whom?

WITNESS GUERRETTE: The union.

TRIAL EXAMINER: Was that a written letter?

WITNESS GUERRETTE: It was a typed letter.

* * * *

[42]

GERALD JOHN TYLER

was called as a witness by and on behalf of the General Counsel and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

* * * *

[43] **Q** Hudson, New Hampshire? All right. Mr. Tyler, can you tell us if sometime during the year 1969 you communicated with the union concerning your membership in that organization?

A Yes, I did.

Q Can you tell us about when this was?

A In June.

Q In June of 1969. And how did you do this?

A I went to Western Union and sent them a telegram.

Q And can you recall for us what the telegram said at best you recall? You don't have to be exact. As best you recall.

A I sent it to the union, it was addressed as we, because there was two others involved.

Q And those two others are whom?

A Robert Guerrette and Roger Bernier.

Q Yes, and can you recall what it said, the body of the telegram?

A It was addressed to the Textile Workers Union of America, and something like we hereby resign from the union and with the date. That's all I can remember.

MR. KENNEDY: All right. I have no further questions.

TRIAL EXAMINER: All right. Did the three of you—Who did you go to the Western Union office with?

WITNESS: Robert Guerrette and Roger Bernier.

[44] **TRIAL EXAMINER:** The three of you were there at the same time?

WITNESS TYLER: Yes.

* * * *

CROSS EXAMINATION

Q (By Mr. Roitman) All right, you participated in the strike, didn't you?

A I went on strike, yes.

Q All right, and you also signed a document for insurance coverage by the union?

* * *

[45] Q (By Mr. Roitman) Did you—The question, as I recall it, was did you sign a document with respect to the insurance coverage which the union was providing for strikers?

A Yes, I did.

Q Do you recall when you signed that?

A No.

Q During the course of the strike, in any event?

A Yes.

* * *

[46] TRIAL EXAMINER: Did you receive any communication from the union which referred to your resignation?

WITNESS TYLER: Not that I recall.

* * *

[47] ROGER BERNIER

was called as a witness by and on behalf of the General Counsel and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

* * *

Q Sometime in 1969, Mr. Bernier, did you communicate with the union about your membership? Did you send to the union anything about your membership in the union?

A No.

Q Can you recall any document, sending any document to the union at all?

A What do you mean by that?

Q Well, letter or anything?

A I sent them a telegram saying that I was resigning.

Q And when did you send the telegram? When was this?

[48] A June the 26th.

Q 1969?

A Yes.

Q Now, was this the same telegram that Mr. Tyler and Mr. Guerette talked about?

A Yes.

* * *

CROSS EXAMINATION

Q (By Mr. Roitman) All right, Mr. Bernier, you supported the strike, didn't you?

A Yes.

Q And you were on the picket line?

A Yes, for a while.

Q And you received strike benefits from the union?

A For a while.

Q And you also received insurance coverage from the union?

A Yes, but I paid for it.

Q You signed a note obligating yourself to pay for insurance?

A Yes.

Q Do you remember when that was?

A No.

Q You do remember that in addition to the insurance coverage you also received some money from the union?

A Well, yes, first four or five weeks or so.

* * *

[50] LEONARD DESJARDINS

was called as a witness by and on behalf of the General Counsel and, having been first duly sworn, was examined and testified as follows:

[51] DIRECT EXAMINATION

* * *

Q Now, Mr. Desjardins, sometime during 1969 did you communicate with the union about your membership?

- A Yes.
Q And about when was this?
A Oh, June 15th or so.
Q Of '69?
A Yes.
Q And how did you communicate?
A I sent them a registered letter.
Q What did that letter say, do you remember?
A Saying that I as of this date resign from the union.

* * *

CROSS EXAMINATION

- Q (By Mr. Roitman) You were supporting the strike?
A Yes, sir.
Q And you received strike benefits from the union?
A For services rendered, yes.
Q As a matter of fact, you received some \$1,542.00 from the union?
[52] A Yes, could be.
Q And you also had insurance coverage from the union?
A No, sir.
Q You signed that, you did not want insurance coverage?
A I did not sign.
Q You indicated that you didn't want it?
A Right.
Q Can you tell us when was the last check that you received from the union?
A June 12th, maybe.
Q And did you receive any letters from the union?
A Letters, yes.
Q Are those the letters preferring charges against you?
A Right.

* * *

[54]

ROGER BERNIER

was recalled:

FURTHER CROSS EXAMINATION

Q (By Mr. Roitman) Mr. Bernier, I show you a document that's been introduced in evidence as General Counsel's Exhibit 3. It's a letter with another letter clipped to it addressed to you. Do you recall receiving that?

A (Indicating yes.)

Q Now, you testified that you received three letters. Are these part of the letters that you're talking about?

A Yes, letters like that. There's two more.

Q There's two more?

A Well—

Q Can you tell us when you received the others, whether before or after this one? This one is dated August 4th.

A After.

. . . .

[55]

REDIRECT EXAMINATION

Q (By Mr. Kennedy) I show you this document marked as General Counsel's Exhibit No. 7 for identification, the letter dated August 22, 1969, signed Leo Simard. Did you receive that letter?

A Yes, I received that.

. . . .

Q Showing you what has been marked as General Counsel Exhibit No. 8 for identification, a letter addressed to you dated August 27, 1969, signed Thomas J. Pitarys. Did you receive that letter?

A Yes.

. . . .

RE CROSS EXAMINATION

[56] Q (By Mr. Roitman) Were these the letters that you were referring to before?

A Yes, sir.

Q You don't have any other letters, do you?

A No.

. . . .

[61] MR. KENNEDY: I have nothing further. I might state that I have obtained information during the luncheon recess to the effect that Western Union does have a copy of the telegram in question, also with an indication that it was receipted for and delivered to the Respondent. Now my question at this point is should we, if the credibility of these witnesses is in issue with respect to whether or not they actually telegraphed a resignation, then we might pursue this matter by approaching Western Union with a subpoena. They said they would be responsive to a subpoena. However, this may be unnecessary if the union during the luncheon recess has obtained a better—

MR. ROITMAN: I'm prepared to state, we've checked and the union does have a notation that a telegram was received on June 23rd, but we apparently don't have any such document which we've been able to put our hands on at least during the luncheon recess, but there is a notation that a telegram was received, signed for, I think, by Mr. Waters, on June—

TRIAL EXAMINER: But you don't have a copy of it available?

MR. ROITMAN: No, I don't have one.

* * *

[62] MR. ROITMAN: I will state also that during the recess we did check the files and we have obtained from the files a document, an unsigned document dated June 16th which refers to Leonard Dejardins. Apparently this was kept separate because it is unsigned. There was testimony that he sent a letter and I am prepared to produce this as what item that we have in our files with respect to Mr. Dejardins.

* * *

TRIAL EXAMINER: Oh. And Mr. Roitman, you have an unsigned letter? How do you know it's from Mr. Dejardins?

MR. ROITMAN: It has his name on it. It says "Gentlemen, as of this date, June 16th, I, Leonard Desjardins, hereby resign from Local 1029 for reasons too

numerous to mention. I remain; all one word, and then no signature.

.

[68] MR. ROITMAN: I suppose it's incumbent upon us to show one of the reasons why we don't think they resigned.

TRIAL EXAMINER: Well, you're relying on something more than the provision of the Constitution of the various labor organizations. As I recall, the by-laws of all the labor organizations involved here make no provision for resignation.

MR. ROITMAN: That's correct.

TRIAL EXAMINER: All right. Now, 31 individuals have, despite the Constitutions, attempted to resign.

MR. ROITMAN: The Constitutions, I may say, do make provisions for withdrawals under certain circumstances, but there's no specific clause with respect to resignation.

TRIAL EXAMINER: Now despite that, certain individuals have attempted to resign, at least they've sent letters saying they are resigning. Now your position is that despite those letters, and without regard to the Constitutions, the resignations are ineffective for some other reason?

MR. ROITMAN: Yes, I think, for example, that in most of these resignations were procured by the company under circumstances which would invalidate them anyway.

.

[72] HAZEN R. JOHNSON

was called as a witness by and on behalf of the General Counsel and, having been first duly sworn, was examined and testified as follows:

.

[73] DIRECT EXAMINATION

.

Q And when did you first begin working for International Paper Box Machine Company?

A 1955.

Q And were you a member of the Textile Workers Union while you worked there?

A Yes.

Q And did you go on strike on September 20th, 1968?

A Yes.

Q And did you subsequently resign from the union?

A I did.

Q Now, showing you what has been marked as General Counsel's Exhibit No. 8, did you receive a letter—you can pay no attention to whom it is addressed, but look at the body of the letter, there's two pages to it, and answer whether or not you received a similar letter to this.

A Yes, I did.

Q Now, showing you what has been marked as General [74] Counsel's Exhibit No. 9, did you receive a letter similar to that letter?

A Yes, I did.

Q In other words, it's the same letter except for the person's name at the top?

A Right.

Q Now, showing you what is marked as General Counsel's Exhibit No. 10, did you receive a writ?

A It was left at my house. I wasn't there.

Q I see. Did it have reference to insurance as well, or just the—

A That I couldn't tell.

Q All right. Now, Mr. Johnson, when you decided to resign from the union did you obtain legal assistance?

A I had Attorney Wilcox make out my resignation for me.

Q You went to Mr. Wilcox?

A Yes.

Q All right. And did he draft a resignation for you?

A He made me extra copies, yes.

Q He did. And what did you do with the extra copies you received?

A I gave them to some of the other boys that asked for them and wanted them.

Q I see. Do you recall at all how many extra copies were involved?

[75] A I have no idea. There was quite a few of them.

Q (By Mr. Kennedy) Now I show you General Counsel's Exhibit 10(1). Is this the actual writ you received?

A Yes, it is.

CROSS EXAMINATION

[76] Q Now, you say you'd been a member of the union since about 1955?

A I resigned in the middle of that period.

Q When you first went to this company you joined the union, or shortly after you went to the company you joined the union?

A Right.

Q And then sometime during the time that you were employed by the company you resigned from the union?

A I resigned from it.

[77] Q And the union accepted your resignation at that time?

A It did.

Q And informed you of it; they agreed to accept your resignation at that time, did they not?

A I don't know as I ever got any letter stating it.

Q Well, there was a period of time when not only did they notify you they accepted your resignation, but you didn't pay any dues, did you?

A No.

Q And then at a later time you decided that you'd join the union again?

A Right.

Q And so you rejoined the union at that time?

A I did.

Q And the other occasion when you resigned from the union there was no strike in progress, was there?

A No.

Q Now, in this occasion you were in favor of the strike beginning September?

A I didn't vote.

Q You joined the picket line?

A Yes.

Q And you picketed regularly in front of the plant?

A For a while.

Q And each week you received a check from the union?

[78] A Yes.

Q Now, do you recall that you signed a statement like this [79] with respect to your insurance?

A I did.

MR. ROITMAN: All right. I understand that Counsel for the General Counsel has no objection to this as a form which each of the individuals signed, in the event I offer it as Respondent's 2, I believe.

TRIAL EXAMINER: OK. Respondent's 2 is received.

(The document above-referred to, heretofore marked Respondent's Exhibit No. 2, was received in evidence.)

Q (By Mr. Roitman) And in your case you were advised by the union that your total insurance premiums that they paid in your behalf were \$220.14?

A No, that's not correct. They sent me a statement first of \$181.19.

Q All right. And then were you subsequently given another [80] statement?

A Another statement three or four weeks after that, it was \$208.00 and something.

[81]

ALONZO BEALAND

was called as witness by and on behalf of the General Counsel and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Kennedy) Mr. Bealand, I show you what has been marked as General Counsel's Exhibit No. 3 and

ask you to look at that letter and the attachment to it; there's an attachment.

Q And there's an attachment. Now, except for the name at the top, the addressee, did you receive the same letter?

A Yes, I did.

Q You did. All right. Now, showing you what has been marked as General Counsel's 9, except for the name at the top did you receive that exact letter?

A That's mine.

Q That's your letter?

A Mmmmm.

Q Now, showing you General Counsel's 10, you notice the name at the top is Alonzo Bealand. Did you receive that writ?

[82] A Yes, I did.

Q (By Mr. Roitman) Mr. Bealand, you participated in the strike, did you not?

A Yes.

Q And you engaged in picketing activities?

A Yes.

Q And you received benefit payments from the union?

A \$20.00.

[84]

ROGER BERNIER

was recalled as a witness by and on behalf of the General Counsel and, having been previously sworn, was examined and testified as follows:

FURTHER REDIRECT EXAMINATION

[85] Q Showing you what has been marked as General Counsel's Exhibit No. 9, ignoring the name at the top, did you receive that letter?

A Yes.

Q Can you remember about when you received it?

A No.

Q All right. Do you remember when you returned to work?

A July the 27th.

Q And did you receive this letter after you returned to work?

A Yes.

Q All right. Now, showing you—

MR. KENNEDY: I'll have this marked for identification as General Counsel's Exhibit 10(2).

Q Showing you what has been marked for identification as General Counsel's Exhibit No. 10(2), is that the writ which you received from the State of New Hampshire Court?

A Yes.

* * *

[86] FURTHER RECROSS EXAMINATION

Q (By Mr. Roitman) I show you Respondent's Exhibit 3. Did you receive that before your resignation?

A Yes.

Q All right. And—

MR. KENNEDY: Which?

MR. ROITMAN: That's the letter.

MR. KENNEDY: Oh, that's Respondent's 3?

MR. ROITMAN: 3.

Q Did you sign an insurance form for the union, showing you Respondent's 2?

A That's all signed and paid for.

Q You signed one of these?

A Yes.

Q All right. And you also received benefits during the course of the strike?

A Yes, sir.

* * *

[88] MARCEL BERUBE

was called as a witness by and on behalf of the General Counsel and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

.

Q All right. Can you tell us, Mr. Berube, when you resigned from the union?

A September 18, 1968.

.

Q Now, when did you—All right. Strike that. When did you return to work for the company, do you remember? You went on strike?

A September 22.

.

[89] Q OK. Now, showing you what has been marked as General Counsel's Exhibit No. 3, and I believe 3A, General Counsel's 3A, would you look at that, and did you receive that letter?

A I sure did.

Q All right. And now showing you General Counsel's Exhibit No. 9, did you receive that letter?

A Yes, sir.

.

Q Now, showing you what has been marked as General Counsel's Exhibit 10(3), which purports to be a writ from a Court of the State of New Hampshire, Marcel Berube, did you receive that writ?

A Yes, sir.

.

[90]

CROSS EXAMINATION

.

Q And did you receive some benefits from the union during the strike?

A Yes, sir.

Q And you participated in the strike until this September?

A Yes.

.

[98]

JEAN BOUTIN

was called as a witness by and on behalf of the General Counsel and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

* * *

Q Now, Mr. Boutin, when—Do you remember when you returned to work at the company?

A I returned after I got my resignation.

Q When was that, do you remember?

A The first Monday after vacation, I think.

* * *

Q Do you remember about when that was?

[94] A Huh?

Q Do you remember about when that was?

A Somewheres around August 15th.

Q Would August 11th seem right?

A Right.

Q All right. Now, showing you General Counsel's Exhibit No. 3 and 3A, I want you to look at these two documents and except for the name up on the front at the top did you receive those documents in the mail?

A Yes, I received those.

Q You did? Now showing you General Counsel's No. 9, except for the name at the top did you receive that letter?

A I received that letter.

* * *

Q Now, showing you what has been marked for identification as General Counsel's Exhibit 10(4), I want you to look at this document, and with your name at the top, and tell me if you received that?

A Yes, I received that.

* * *

[102] TRIAL EXAMINER: Well, it's obvious that the union gave certain benefits to those who supported it, and after they stopped supporting it the union

wouldn't pay them strike benefits anymore, I suppose, since they were no longer on strike.

MR. ROITMAN: That's right. Most of them were brought up on charges as these 81 indicate. There's no mystery about that. The union's position has been very clear. Those people who were—

TRIAL EXAMINER: All right. I wonder if we don't have a typical enough sample in the witnesses who have testified so that we could dispose of the case on what we have with perhaps [103] a stipulation that the other witnesses who would be called would testify in the same manner, that is that they joined the strike at its inception, that sometime during the strike they decided to resign, while they were on strike the union paid them benefits if they had no other job and were not receiving old age benefits, and—

MR. KENNEDY: Along with the documents, the three documents.

TRIAL EXAMINER: Yes.

MR. KENNEDY: I would stipulate to that.

MR. ROITMAN: Well, all right.

* * *

[104] TRIAL EXAMINER: All right, I understand during the recess a stipulation has been worked out between the General Counsel and the Respondent. Mr. Cobleigh will state the terms.

MR. COBLEIGH: Stipulation reads as follows: that all employees involved in this proceeding joined the strike at its inception, sometime during the strike they submitted letters designated in the record as General Counsel's 4(1) through 4(27) of resignation from the union, while on strike the union paid strike benefits to those who applied on Respondent's Exhibit 4, the union paid insurance benefits and received Respondent's Exhibit 2 from all involved employees, General Counsel 3, 3A, 9 and 10 were issued and received by all involved employees, Respondent's Exhibits 2, 3 and 4 were executed and/or received by all employees.

TRIAL EXAMINER: Mr. Roitman?

MR. ROITMAN: That's acceptable.

TRIAL EXAMINER: All right. All right, the stipulation proposed is received. Is there any further testimony then?

MR. KENNEDY: I don't believe there's anything further on the General Counsel's case, your Honor, but let me check my [105] notes first.

TRIAL EXAMINER: All right. And I think perhaps this might be the time too to put into the record something relating to the current status of the suits by the union, the Court actions by the union against the employees involved here.

* * *

[108] TRIAL EXAMINER: Oh, in an off-the-record discussion I raised some questions with respect to the pendency of the Court suit. Mr. Kerrigan, who is best informed about the Court suit since he represents the defendants who are the 31 people involved here, is not present this afternoon, and it was agreed that I [109] would leave a General Counsel's Exhibit number open and that Mr. Kennedy would obtain from Mr. Kerrigan information relating to the current status of that Court action and would file it with me and with copies, of course, to all the other parties.

* * *

GENERAL COUNSEL'S EXHIBIT No. 1(g)

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS
BOARD
FIRST REGION

IN THE MATTER OF

GRANITE STATE JOINT BOARD, TEXTILE WORKERS UNION
OF AMERICA, LOCAL 1029, AFL-CIO (International
Paper Box Machine Company)

and

PAUL R. MARQUIS, an individual Case No. 1-CB-1504-1
EUGENE COLLARD, an individual Case No. 1-CB-1504-2
HAZEN R. JOHNSON, an individual Case No. 1-CB-1504-3
PETER MAKRIK, SR., an individual Case No. 1-CB-1504-4

and

JOSEPH M. KERRIGAN, ESQUIRE, an individual
Case No. 1-CB-1534

ORDER CONSOLIDATING CASES,

COMPLAINT AND NOTICE OF HEARING

It having been charged in Case No. 1-CB-1504-1 by Paul R. Marquis, an individual; Case No. 1-CB-1504-2 by Eugene Collard, an individual; Case No. 1-CB-1504-3 by Hazen R. Johnson, an individual; Case No. 1-CB-1504-4 by Peter Makris, Sr., an individual, and Case No. 1-CB-1534 by Joseph M. Kerrigan, Esquire, an individual, that Granite State Joint Board, Textile Workers Union of America, Local 1029, AFL-CIO, herein called Respondent, has engaged in, and is engaging in, unfair labor practices affecting commerce as set forth and defined in the National Labor Relations Act, as amended, 29 U.S.C. Sec. 151 *et seq.*, herein called the Act, the General Counsel of the National Labor Relations Board, herein called the Board, by the undersigned Regional Director of the First Region, having duly considered the matter and

deeming it necessary in order to effectuate the purposes of the Act, and to avoid unnecessary costs or delay,

HEREBY ORDERS, pursuant to Section 102.33 of the Board's Rules and Regulations, Series 8, as amended, that these cases be, and they hereby are, consolidated.

Said cases having been consolidated for hearing, the General Counsel of the Board, on behalf of the Board, by the undersigned Regional Director, pursuant to Section 10(b) of the Act and the Board's Rules and Regulations, Series 8, Section 102.15 hereby issues this Order Consolidating Cases, Complaint and Notice of Hearing and alleges as follows:

1(a). The Charges in Case No. 1-CB-1504(1-4) were filed on June 24, 1969, and copies thereof served upon Respondent on June 24, 1969.

1(b). The Charge in Case No. 1-CB-1534 was filed on September 12, 1969 and a copy thereof served upon Respondent on September 12, 1969.

2. International Paper Box Machine Company (hereinafter called the Company) at all times material herein is and has been a corporation duly organized under and existing by virtue of the laws of the State of New Hampshire.

3. At all times herein mentioned the Company has maintained its principal office and place of business at Northeastern Boulevard in the City of Nashua, County of Hillsboro and State of New Hampshire, and is now and has been continuously engaged at said plant in the manufacture, sale and distribution of paper box folding and gluing machinery and related products.

4(a). The Company in the course and conduct of its business, causes, and continuously has caused at all times herein mentioned, large quantities of metal used by it in the manufacture of paper box folding and gluing machinery to be purchased and transported in interstate commerce from and through various States of the United States other than the State of New Hampshire, and causes, and continuously has caused at all times herein mentioned, substantial quantities of paper box folding and gluing machinery to be sold and transported from

said plant in interstate commerce to States of the United States other than the State of New Hampshire.

4(b). The Company, in the course and conduct of its business, annually receives from points outside of the State of New Hampshire goods valued in excess of \$50,000 and annually ships to points outside of the State of New Hampshire goods valued in excess of \$50,000.

5. The aforesaid Company is and has been engaged in commerce within the meaning of the Act.

6. Respondent is a labor organization within the meaning of Section 2(5) of the Act, and has its principal office and place of business at 21 High Street in the City of Nashua, County of Hillsboro, and State of New Hampshire.

7. Respondent by its officers, agents, organizers and representatives from on or about June 10, 1969 has restrained and coerced and is restraining and coercing employees of the Company in the exercise of rights guaranteed in Section 7 of the Act by:

(a) Threatening at Nashua, New Hampshire reprisals in the form of fines to employees of the Company who are not Union members if they failed to support Respondent's strike against the Company;

(b) Threatening at Nashua, New Hampshire reprisals in the form of excessive fines to employees of the Company if they failed to support Respondent's strike against the Company;

(c) Imposing at Nashua, New Hampshire reprisals in the form of fines upon employees who are not Union members and who returned to work at the Company during the strike;

(d) Imposing at Nashua, New Hampshire reprisals in the form of excessive fines upon employees who returned to work at the Company during the strike;

(e) Instituting in the Superior Court of the State of New Hampshire at Manchester legal proceedings for the collection of the aforesaid fines against employees who are not Union members and who returned to work at the Company during the strike;

(f) Instituting in the Superior Court of the State of New Hampshire at Manchester legal proceedings for the collection of the aforesaid excessive fines against employees who returned to work at the Company during the strike.

8. By reason of the acts described in Paragraph 7 above Respondent has restrained and coerced and is restraining and coercing the Company's employees in the exercise of the right guaranteed by the Act and the Respondent did engage in and is engaging in unfair labor practices within the meaning of Section 8(b) (1) (A) of the Act.

9. The activities of Respondent, described in Paragraph 7, occurring in connection with the operations of the Company described in Paragraphs 3, 4 and 5 above, have a close, intimate and substantial relation to trade, traffic and commerce among the several states and tend to lead to labor disputes burdening and obstructing commerce and the free flow of commerce, and constitute unfair labor practices affecting commerce within the meaning of Section 8(b) (1) (A) and Section 2(6) and (7) of the Act.

PLEASE TAKE NOTICE that on the 13th day of November, 1969, at 10:00 o'clock in the forenoon, Eastern Standard Time, at the Aldermanic Chambers, City Hall, Nashua, New Hampshire, a hearing will be conducted before a duly designated Trial Examiner of the National Labor Relations Board on the allegations set forth in the above Complaint, at which time and place you will have the right to appear in person, or otherwise, and give testimony. Form NLRB-4668, Statement of Standard Procedures in Formal Hearings Held before the National Labor Relations Board in Unfair Labor Practice Cases, is attached.

You are further notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, the Respondent shall file with the undersigned Regional Director, acting in this matter as agent of the National Labor Relations Board, an original and four (4) copies of an Answer to said Complaint within ten (10) days from the service thereof and that unless it does so, all of

the allegations in the Complaint shall be deemed to be admitted to be true and may be so found by the Board.

WHEREFORE, the General Counsel of the National Labor Relations Board, on behalf of the Board, by the Regional Director of the First Region, on this 20th day of October, 1969, issues this Order Consolidating Cases, Complaint and Notice of Hearing against Granite State Joint Board, Textile Workers Union of America, Local 1029, AFL-CIO, Respondent herein.

/s/ Albert J. Hoban
ALBERT J. HOBAN, Director
Region One
National Labor Relations
Board
Boston, Massachusetts 02203

Form NLRB-4668

(9-67)

(C CASES)

SUMMARY OF STANDARD PROCEDURES IN FORMAL HEARINGS HELD BEFORE THE NATIONAL LABOR RELATIONS BOARD IN UNFAIR LABOR PRACTICE CASES AS TAKEN FROM THE BOARD'S PUBLISHED RULES AND REGULATIONS AND STATEMENTS OF PROCEDURE

The hearing will be conducted by a Trial Examiner of the National Labor Relations Board. He will preside at the hearing as an independent, impartial trier of the facts and the law and his decision in due time will be served on the parties. His headquarters are either in Washington, D. C. or San Francisco, California.

At the date, hour, and place for which the hearing is set, the Trial Examiner, upon the joint request of the parties, will conduct a "prehearing" conference, prior to or shortly after the opening of the hearing, to assure that the issues are sharp and clear-cut; or he may, on his own initiative, conduct such a conference. He will preside at any such conference, but he may, if the occasion arises, permit the parties to engage in private discussions. The conference will not necessarily be recorded, but it may well be that the labors of the conference will be evinced in the ultimate record—for example, in the form of statements of position, stipulations, and concessions. Except under unusual circumstances, the Trial Examiner conducting the prehearing conference will be the one who will conduct the hearing; and it is expected that the formal hearing will commence or be resumed immediately upon completion of the prehearing conference. No prejudice will result to any party unwilling to participate in or to make stipulations or concessions during any prehearing conference.

(This is not to be construed as preventing the parties from meeting earlier for similar purposes. To the contrary, the parties are encouraged to meet prior to the time set for hearing in an effort to narrow the issues.)

Parties may be represented by an attorney or other representative and present evidence relevant to the issues.

An official reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the Trial Examiner for his approval.

All matter that is spoken in the hearing room while the hearing is in session will be recorded by the official reporter unless the Trial Examiner specifically directs off-the-record discussion. In the event that any party wishes to make off-the-record statements, a request to go off the record should be directed to the Trial Examiner and not to the official reporter.

Statements of reasons in support of motions and objections should be specific and concise. The Trial Examiner will allow an automatic exception to all adverse rulings, and, upon appropriate order, an objection and exception will be permitted to stand to an entire line of questioning.

All exhibits offered in evidence shall be in duplicate. Copies shall also be supplied to other parties. If a copy of any exhibit is not available at the time the original is received, it will be the responsibility of the party offering such exhibit to submit the copy before the close of hearing. In the event such copy is not submitted, and the filing thereof has not for good reason shown been waived by the Trial Examiner, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing. In the absence of a request, the Trial Examiner may himself ask for oral argument, if at the close of the hearing he believes that such argument would be beneficial to his understanding of the contentions of the parties and the factual issues involved.

Any party shall also be entitled upon request made before the close of the hearing, to file a brief or proposed findings and conclusions, or both, with the Trial Examiner who will fix the time for such filing.

Attention of the parties is called to the following requirements laid down in Section 102.42 of the Board's Rules and Regulations with respect to the procedure to be followed *before* the proceeding is transferred to the Board:

No request for an extension of time within which to submit briefs or proposed findings to the Trial Examiner will be considered unless received by the Chief Trial Examiner in Washington, D. C. (or, in cases under the San Francisco, California branch office of Trial Examiners, the Associate Chief Trial Examiner in charge of such office) at least 3 days prior to the expiration of time fixed for the submission of such documents. Notice of request for such extension of time must be served simultaneously upon all other parties, and proof of such service furnished to the Chief Trial Examiner or Associate Chief Trial Examiner, as the case may be. All briefs or proposed findings filed with the Trial Examiner must be submitted in triplicate, and may be in typewritten, printed, or mimeographed form, with service upon the other parties.

In due course the Trial Examiner will prepare and file with the Board his decision in this proceeding, and will cause a copy thereof to be served upon each of the parties. Upon filing of the said decision, the Board will enter an order transferring this case to itself, and will serve copies of that order, setting forth the date of such transfer, upon all parties. At that point, the Trial Examiner's official connection with the case will cease.

The procedure to be followed before the Board from that point forward, with respect to the filing of exceptions to the Trial Examiner's Decision, the submission of supporting briefs, requests for oral argument before the Board, and related matters, is set forth in the Board's Rules and Regulations, Series 8, as amended, particularly in Section 102.46, and following sections. A summary of

the more pertinent of these provisions will be served upon the parties together with the order transferring the case to the Board.

Adjustments or settlements consistent with the policies of the Act reduce government expenditures and promote amity in labor relations. Upon request, the Trial Examiner will afford reasonable opportunity during the hearing for discussions between the parties if adjustment appears possible, and may himself suggest it.

GENERAL COUNSEL'S EXHIBIT No. 1(L)

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS
BOARD

FIRST REGION

Case No. I-CB-1504-1-4

Case No. I-CB-1534

IN THE MATTER OF

GRANITE STATE JOINT BOARD, TEXTILE WORKERS UNION
OF AMERICA, LOCAL 1029, AFL-CIO (International
Paper Box Machine Company)

ANSWER OF THE GRANITE STATE JOINT BOARD
TEXTILE WORKERS UNION OF AMERICA, LO-
CAL 1029, AFL-CIO

The Granite State Joint Board, Textile Workers of
America answer the allegations as follows:

The Respondent admits Paragraph 1 & 6.

The Respondent has no knowledge of the allegations in
Paragraph 2, 3, 4a, 4b, 5.

The Respondent denies Paragraph 7a, 7b, 7c, 7d, 8, 9.

Further answering, the defendant states that the is-
sues in this case have been subject of a previous action
before the Board entitled Granite State Joint Board, Tex-
tile Workers Union of America, Local 1029, AFL-CIO
and Felix Radziewicz, and Maurice K. Kimball II, Case
No. I-CB-1460-2, tried on 1969 which was decided by
Trial Examiner, Milton Janus on June 4, 1969. The
Trial Examiner "recommended that the complaint be dis-
missed in its entirety" TXD 315-69. This decision de-
cided the issues raised in the present complaint.

This decision of the Trial Examiner was appealed by
Counsel for the General Counsel. This appeal is still
pending before the Board. In addition on July 3, 1969 the
Counsel for the General Counsel moved to reopen the case

for the purpose of submitting further evidence. This motion is still pending before the Board.*

Respectfully submitted,

/s/ Harold B. Roitman
HAROLD B. ROITMAN
Attorney for Granite State
Joint Board
T.W.U.A. Local 1029

* As this answer was being submitted the Board granted this motion to reopen dated October 22, 1969.

GENERAL COUNSEL'S EXHIBIT No. 2

June 10, 1969

Local - 1029 TWUA, AFL-CIO
21 High St., Nashua, N.H.

Dear Member:

Greetings:

In September of 1968 Local Union 1029 of the Granite State Joint Board of the Textile Workers Union of America passed a unanimous motion that anyone who engaged in Strike Breaking activities or aided the Company in the Union Strike would be subject to a fine up to \$2000.00. The Company has tried to mislead workers and tried to tell the Union how to conduct its affairs.

However, let us make it clear to everyone that the United States Supreme Court has held that the Union has a right to impose a fine on anyone who has engaged in the Strike Breaking Activities.

It is the duty of the officers to uphold the unanimous resolution of the Local. Charges will be brought against those engaged in Strike Breaking in accordance with the unanimous motion of the Local. It will be no excuse in a hearing on the imposition of a fine to say that you were misled by the Company.

Think carefully before you act on the false promises of the Company. Don't run the risk of being fined up to \$2000.00 for Strike Breaking.

Fraternally,

/s/ Leo D. Simard
LEO D. SIMARD
President

GENERAL COUNSEL'S EXHIBIT No. 3

William Pollock, General President

John Chupka, General Sec'y-Treas.

Thomas J. Pitarys, Joint Board Manager

GRANITE STATE JOINT BOARD

Textile Workers Union of America

Affiliate of the AFL-CIO

[World Emblem]

**814 Elm Street—Suite 420
Manchester, N. H. 03101
Tel. 603—625-8941**

**21 High Street
Nashua, N. H. 03060
Tel. 603—889-1128**

August 4, 1969

**Mr. Roger Bernier
Concord Road
Nashua, N. H. 03060**

Dear Brother Bernier:

Enclosed is a copy of charges against you which is self-explanatory.

In accordance with Article XIII, Sections 2 and 3 of the By-Laws of local No. 1029, TWUA, AFL-CIO, the Executive Board of Local 1029, TWUA is requesting your appearance at a hearing to be held on Friday, August 15, 1969 at the Union Headquarters, 21 High Street, Nashua, N.H., at 7:00 P.M., to offer you the opportunity to answer such charges.

Fraternally,

**/s/ Ralph Boucher
RALPH BOUCHER
Recording Secretary
Local 1029, TWUA, AFL-CIO**

GENERAL COUNSEL'S EXHIBIT No. 8A

August 4, 1969

Mr. Ralph Boucher
Recording Secretary
Local 1029, TWUA, AFL-CIO
21 High Street
Nashua, N.H. 03060

Dear Sir and Brother:

I wish to press charges against Roger Bernier for conduct detrimental to the welfare of Local 1029 and Textile Workers Union of America for aiding and abetting International Paper Box Machine Company during the strike in progress and crossing the picket line during said strike, and strikbreaking.

The above charges in accordance with Article XIII of the By-Laws of Local No. 1029, TWUA, AFL-CIO.

/s/ Maurice [Illegible]
Member, Local 1029
TWUA, AFL-CIO

GENERAL COUNSEL'S EXHIBIT No. 4(1)

Mr. Tom Pitary's

6/6/69

I am resigning from the A. F. of L. C. I. O. Union
Local 1029 as of this date.

ALONZO BEALAND
60 Monroe St.
Nashua, N.H.

GENERAL COUNSEL'S EXHIBIT No. 4(2)

September 19, 1969

Textile Workers of America
Local 1029, Plant IPBMCO
21 High St.
Nashua, N. H. 03060

Dear Sir:

Re: Resignment

I wish to inform you that I am resigning from the
Union, effective this date, September 19, 1969. Please
mark your records accordingly.

Yours truly,

/s/ Marcel Berube
MARCEL BERUBE
108 Linton St.
Nashua, N. H. 03060

GENERAL COUNSEL'S EXHIBIT No. 4(3)**William Pollock, General President****John Chupka, General Sec'y-Treas.****Thomas J. Pitarys, Joint Board Manager****GRANITE STATE JOINT BOARD***Textile Workers Union of America***Affiliate of the AFL-CIO****[World Emblem]****814 Elm Street—Suite 420****Manchester, N. H. 03101****Tel. 603—625-8941****21 High Street****Nashua, N. H. 03060****Tel. 603—889-1128****June 23, 1969****Mr. Jean Boutin****89 South Ave.****Derry, N.H. 03038****Dear Brother Boutin:**

In accordance with the statement you signed to reimburse the Union for the insurance coverage from October, 1968 to June 1969 paid by the Union, we request that the sum of \$220.14 be paid by you, immediately.

This is a written promise you made and we expect you to live up to such promise.

Fraternally,

/s/ **Thomas J. Pitarys**
THOMAS J. PITARYS
Manager

TJP/p

[Postage Stamps]

Granite State Joint Board
Textile Workers Union of Am.
21 High St.
Nashua, N. H. 03060

Return Receipt Requested

CERTIFIED

No. 116414

MAIL

Jean B. Boutin
39 South Ave.
Derry, N. H. 03038

I am Sending my Rasination.

I don't want want to Belong to the union any more.

Return add.
39—South Ave.
Derry, N. H. 03038

Jean B. Boutin
39 South Ave.
Derry, N. H. 03038

I have sending you my resination Buy a Registrad
Letter and you did not send any back.

When you do, then I'l Stat to pay you.

GENERAL COUNSEL'S EXHIBIT No. 4(4)

June 6 1969

To who it may concern,

I am resigning from the union as of June 6 1969.

/s/ Eugene Collard
EUGENE COLLARD

GENERAL COUNSEL'S EXHIBIT No. 4(5)

July 25, 1969

Granite State Joint Board
Textile Workers of America A.F.L., C.I.O.
21 High St.
Nashua, N.H.

Attention: Mr. Tom Pitarys

Dear Tom:

It is with the greatest of regrets, that I am now formally tending my resignation from this Union, of which I have been a member for many long years.

As you all know, I have never been one to keep my mouth shut, if someone twisted my tail. Nevertheless I am genuinely sorry to sever relations in this manner. I would much rather have gone in with a Union, but circumstances force my hand. I cannot afford to fight any longer, what I am convinced is a losing battle.

Some may say I am betraying the Union, but as far as I am concerned, my first duty is to my family.

A man must do, what he must.

Sincerely,

/s/ Robert A. dePontbriand
ROBERT A. DEPONTBRIAND

GENERAL COUNSEL'S EXHIBIT No. 4(6)

Textile Workers Union of America
Granite State Joint Board
Local 1029
21 High Street
Nashua, New Hampshire 03060

Gentlemen:

Please be advised that effective as of Sept. 17th 1969 I hereby submit my resignation as a member of the Machinery Division, Granite State Joint Board, Local 1029, Textile Workers Union of America.

Very truly yours,

/s/ Leo F. DuBois

GENERAL COUNSEL'S EXHIBIT No. 4(7)

June 20, 1969

Local - 1029 TWUA, AFL-CIO
21 High Street
Nashua, New Hampshire 03060

Gentlemen:

The undersigned hereby resigns as a member of the Local Union No. 1029 of the Granite State Joint Board of the Textile Workers Union of America effective as of the date of this letter.

Very truly yours,

/s/ Aurel L. Duval
AUREL DUVAL
23 Walnut Street
Nashua, New Hampshire 03060

Registered Mail—Return Receipt Requested

GENERAL COUNSEL'S EXHIBIT No. 4(8)

June 24, 1969

Nashua, N.H.

Textile Worker's Union of America
21 High Street
Nashua, New Hampshire 03060

Gentlemen:

I, Bernard J. Francis, do hereby resign from Local
1029 AFL-CIO as of this date, June 24, 1969.

Very truly yours,

/s/ Bernard J. Francis
BERNARD J. FRANCIS
12 Dickerman Street
Nashua, New Hampshire

BF:pf

cc: International Paper Box
Machine Company

GENERAL COUNSEL'S EXHIBIT No. 4(9)

June 17, 1969

To:

The Officers of local 1029,

Having lost all faith in Local #1029 T.W.U.A. due to
more reasons than I care to write about, I feel that I
have lost all desire to be represented by this local, and
therefore, I wish to tender my resignation, and to have
it become effective immediately.

Regretfully Yours

/s/ Roger Gagne
14 Rose St.

GENERAL COUNSEL'S EXHIBIT No. 4(10)

Textile Workers Union of America
Granite State Joint Board
Local 1029
21 High Street
Nashua, New Hampshire 08060

Gentlemen:

Please be advised that effective as of Aug. 21, 1969 I hereby submit my resignation as a member of the Machinery Division, Granite State Joint Board, Local 1029, Textile Workers Union of America.

Very truly yours,

/s/ Adrian Gagnon

GENERAL COUNSEL'S EXHIBIT No. 4(11)

89 Vine St.
Nashua, N. H.
July 9, 1969

Dear Sir,

I, Clovis Gamache, as a member of the Granite State Joint Board, textile Workers Union of America AFL-CIO Local 1029, feel that I have been deceived, and received falsified information from the Union resulting in my being on strike for the last 10 months, and have failed to negotiate in good faith for its members.

Therefore I, Clovis R. Gamache do hereby resign from this Union effective this date, July 9, 1969.

Yours truly

/s/ Clovis R. Gamache

GENERAL COUNSEL'S EXHIBIT No. 4(12)**May 9, 1969**

**Textile Workers Union of America
Granite State Joint Board
Local 1029
21 High Street
Nashua, New Hampshire 03060**

Gentlemen:

**Please be advised that effective as of May 12, 1969,
I hereby submit my resignation as a member of the
Machinery Division, Granite State Joint Board, Local
1029, Textile Workers Union of America.**

Very truly yours,

**/s/ Hazen R. Johnson
HAZEN R. JOHNSON**

GENERAL COUNSEL'S EXHIBIT No. 4(13)**11, 25, 68**

**I hear with draw from the Union Local 1029 immedi-
ately, as of this date 11, 25, 68.**

/s/ Maurice K. Kimball, II

GENERAL COUNSEL'S EXHIBIT No. 4(14)

20 Wilder Street
Nashua, N. H.

June 25, 1969

Granite State Joint Board
Textile Workers Union of America
AFL-CIO
21 High Street
Nashua, New Hampshire 03060

Dear Sir:

Please accept this letter as my resignation from Local 1029 of Textile Workers Union of America, AFL-CIO, for reasons too numerous to mention.

Yours truly,

by /s/ Armand Levesque
ARMAND LEVESQUE

AL/j

GENERAL COUNSEL'S EXHIBIT NO. 4(15)

June 12, 1969

Granite State Board
Local - 1029 TWUA, AFL-CIO
21 High St., Nashua, N. H.

Gentlemen:

At the last membership meeting held at the Local 1029, 21 High Street, Nashua, N. H. on May 18, 1969, several members and myself asked the heads of the union, Mr. Daoust, Mr. Pitarys and the union lawyer about IPBM Company's final offer dated April 3, 1969.

At first they did not remember that particular contract, and when they were informed that each employee had received that contract in his mail, the union lawyer stated that **THE COMPANY HAD RETRACTED THAT OFFER**, thus stopping the members from voting to except or reject that contract. Yet, the union states in its big ad . . . strikes should be settled at the bargaining table, in three different paragraphs, that the employees have rejected that proposal of April 3, 1969.

This is an *outrageous lie*. I Peter Makris Sr., find Local 1029 TWUA, AFL-CIO as a deceiving and an unqualified union to negotiate this strike and I also highly resent being threatened. Therefore, on this day June 12, 1969, I hereby resign from this union.

Sincerely,

/s/ Peter Makris Sr.

GENERAL COUNSEL'S EXHIBIT No. 4(16)

June 7, 1969

Dear Sir's

This is to notify you that I, Paul R. Marquis, am hereby resigning as a member of the, Local #1029 Machinery Division, TWUA, AFL CIO, CLC, 21 High St. Nashua N.H. 03060, as of 12:00 midnight June 7, 1969.

Sincerely

/s/ Paul R. Marquis

GENERAL COUNSEL'S EXHIBIT No. 4(17)

Textile Workers Union of America
Granite State Joint Board
Local 1029
21 High Street
Nashua, New Hampshire 03060

Gentlemen:

Please be advised that effective as of 15 August 69 I hereby submit my resignation as a member of the Machinery Division, Granite State Joint Board, Local 1029, Textile Workers Union of America.

Very truly yours,

/s/ Ronald Maynard

GENERAL COUNSEL'S EXHIBIT No. 4(18)

June 23, 1969

Nashua, N. H.

William J. Mayo

Gentleman,

I, William J. Mayo, do hereby resign from Local 1029
AFL CIO as of this date June 23, 1969.

/s/ William J. Mayo

GENERAL COUNSEL'S EXHIBIT No. 4(19)

Reeds Ferry, N. H. 03078

June 28, 1969.

Textile Workers Union of America,
Local No. 1029 AFL-CIO

Gentlemen:

Please accept my resignation from the Textile Workers
Union of America, Local 1029, AFL-CIO for reasons
too numerous to mention.

Very truly yours,

/s/ Franklyn H. McAllister
R.F.D. #2

Reeds Ferry, N. H. 03078

GENERAL COUNSEL'S EXHIBIT No. 4(20)

July 26, 1969

Textile Workers Union of America
Granite State Joint Board
Local 1029
21 High Street
Nashua, New Hampshire 03060

Gentlemen:

Please be advised that effective as of July 29, 1969 I hereby submit my resignation as a member of the Machinery Division, Granite State Joint Board, Local 1029, Textile Workers Union of America.

Very truly yours,

/s/ Roland Michaud

GENERAL COUNSEL'S EXHIBIT No. 4 (21)

FROM John Nadeau
2nd Poisson Ave.
Nashua, N. H. 08060

[Postage Stamps]

Granite State Joint Board
Textile Workers Union of America, AFL-CIO
21 High Street
Nashua, N. H. 08060

REGISTERED
No. 2784

Monday 23, 1969

Dear Sir

I was a member of Granite State joint Board textile
Workers Union of America AFL CIO Local 1029
I like to resign it its unfair.

I want to go back to the International Paper Box ma-
chine Company.

/s/ John Nadeau

[Post Marks]

GENERAL COUNSEL'S EXHIBIT No. 4(22)

233 Lake St.
Nashua, N. H. 03060

[Postage Stamps]

[Left Notice 11/6/68, A.J.W.]

T W U A
21 Hight St.
Nashua, N. H. 03060

REGISTERED
No. 2267

T.W.U.A.
Local 1029

Return Receipt Requested

This is to notify you as of November 5, 1968 I am
resigning as a member of local 1029 AFL-CIO.

Sincerely yours

/s/ Felix Radziewicz
171
IPBM Co.

[Post Marks]

GENERAL COUNSEL'S EXHIBIT No. 4(23)

Textile Workers Union of America
Granite State Joint Board
Local 1029
21 High Street
Nashua, New Hampshire 03060

Gentlemen:

Please be advised that effective as of August 8, 1969
I hereby submit my resignation as a member of the Ma-
chinery Division, Granite State Joint Board, Local 1029,
Textile Workers Union of America.

Very truly yours,

/s/ Emilien Riendeau

GENERAL COUNSEL'S EXHIBIT No. 4(24)

June 12, 1969

I, the undersigned, resign as of this date from Local 1029—TWUA, AFL-CIO, Nashua, N. H.

/s/ Robert A. Roy
[Address Illegible]

GENERAL COUNSEL'S EXHIBIT No. 4(25)

Textile Workers Union of America
Granite State Joint Board
Local 1029
21 High Street
Nashua, New Hampshire 03060

Gentlemen:

Please be advised that effective as of August 15, 1969 I hereby submit my resignation as a member of the Machinery Division, Granite State Joint Board, Local 1029, Textile Workers Union of America.

Very truly yours,

/s/ Zennie S. Runowicz

GENERAL COUNSEL'S EXHIBIT No. 4(26)

August 16, 1969

Textile Workers Union of America
Granite State Joint Board
Local 1029
21 High Street
Nashua, New Hampshire 03060

Gentlemen:

Please be advised that effective as of August 16, 1969 I hereby submit my resignation as a member of the Machinery Division, Granite State Joint Board, Local 1029, Textile Workers Union of America.

Very truly yours,

/s/ Henry Tremblay

GENERAL COUNSEL'S EXHIBIT No. 4(27)

August 1, 1969

Gentlemen:

I Alfred Theriault do hereby resign from Local 1029 AFL-CIO as of this date August 1st 1969.

Very truly yours

/s/ Alfred Theriault

Answer requested.

GENERAL COUNSEL'S EXHIBIT No. 5

Robert D. Guerette
22 Ash St.
Nashua, N. H.

[Postage Stamps]

The International Paper Box Machine Co.
Northeastern Boulevard
Nashua, New Hampshire 03060

Return Receipt Requested
REGISTERED
No. 2929

NOTIFIED
Jun 27 1969

June 26, 1969

The International Paper Box Machine Co.
Northeastern Boulevard
Nashua, New Hampshire 03060

Gentlemen:

Please be advised that effective as of June 26, 1969,
I have submitted my resignation as a member of the
Machinery Division, Granite State Joint Board, Local
1029, Textile Workers Union of America.

Very truly yours,

/s/ Robert D. Guerette

GENERAL COUNSEL'S EXHIBIT No. 8

William Pollock, General President

John Chupka, General Sec'y-Treas.

Thomas J. Pitarys, Joint Board Manager

GRANITE STATE JOINT BOARD

Textile Workers Union of America

Affiliate of the AFL-CIO

[World Emblem]

814 Elm Street—Suite 420

Manchester, N. H. 03101

Tel. 603—625-8941

21 High Street

Nashua, N. H. 03060

Tel. 603—889-1128

August 27, 1969

Mr. Roger Bernier

Concord Road

Nashua, N. H. 03060

Dear Sir and Brother:

Several days ago you were notified by registered letter that you were found guilty and fined by the Executive Board of Local #1029, TWUA for aiding and abetting International Paper Box Machine Co., and strikbreaking activities while a strike is in progress.

As yet, we have not heard from you regarding the payment of the fine.

Unless satisfactory arrangements to pay the fine due the Union is made within the next few days, the Union will proceed with legal action.

Fraternally,

**/s/ Thomas J. Pitarys
THOMAS J. PITARYS
Manager**

TJP/p

GENERAL COUNSEL'S EXHIBIT No. 9

William Pollock, General President

John Chupka, General Sec'y-Treas.

Thomas J. Pitarys, Joint Board Manager

GRANITE STATE JOINT BOARD
Textile Workers Union of America
Affiliate of the AFL-CIO

[World Emblem]

814 Elm Street—Suite 420
Manchester, N. H. 03101
Tel. 603—625-8941

21 High Street
Nashua, N. H. 03060
Tel. 603—889-1128

July 21, 1969

Mr. Alonzo Bealand
60 Monroe Street
Nashua, N. H. 03060

Dear Brother Bealand:

The Executive Board of Local 1029, Textile Workers Union of America, met on Tuesday, July 15, 1969 at the Union Headquarters, 21 High St, Nashua, N.H. to hear testimony relative to charges against you in accordance with Article XIII of the local union by-laws.

You did not choose to appear before the Executive Board to answer such charges.

Testimony presented at the hearing by witnesses was to the effect that you returned to work at International Paper Box Machine Co., by crossing the picket line while the strike is in progress.

Therefore, in accordance with Article XIII of the Local Union by-laws, the Executive Board finds you guilty of crossing the picket lines while a strike is in progress;

aiding and abetting with the company in strikebreaking and conduct detrimental to the welfare of local 1029, Textile Workers Union of America.

The local union Executive Board fines you the equivalent of a day's wages for each day you are employed at International Paper Box Machine Co., while the strike is in progress. Such fines are to be paid immediately.

In the event you have any questions, contact or visit the Union Headquarters.

Fraternally,

/s/ Leo D. Simard
LEO D. SIMARD
President

GENERAL COUNSEL'S EXHIBIT No. 10

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS. To the sheriff of any county or his deputy:

WE COMMAND YOU to attach the goods or estate of Alonzo Bealand of 60 Monroe Street in Nashua, Hillsborough County, State of New Hampshire, to the value of One Thousand, Six Hundred (\$1600) dollars, and summon him, if to be found in your precinct, to appear at the Superior Court at Manchester in said County of Hillsborough, on the first Tuesday of November, 1969 to answer to Textile Workers Union of America, Local #1029 of 21 High Street in Nashua, County of Hillsborough and State of New Hampshire.

In a plea of

Count I

Money due by the defendant to the plaintiff incurred as a result of his contract of membership in the plaintiff Union

\$1800.00

Count II

Money advanced by the plaintiff on behalf of the defendant at the request of the defendant for payment of insurance premiums

50.16

To the damage to the plaintiff, as he say, the sum of One Thousand, Six Hundred (\$1600) dollars.

WE ALSO COMMAND YOU to attach the money, goods, chattels, rights, and credits of the said _____ in the hands of _____

to the value of _____ dollars, and summon said _____ if to be found in your precinct, to appear at said COURT and show cause, if any he has, why execution should not issue against _____ for the judgment which may be recovered by said plaintiff against said

principal defendant and make return of this writ, with your doings therein.

Witness, John H. Leahy, Esquire, the 4th day of September, A.D. 1969.

CARL O. RANDALL,
Clerk.

A True Copy Attest:

/s/ [Illegible]
Deputy Sheriff

(x) Court
() Jury

SUPERIOR COURT WRIT

TEXTILE WORKERS UNION OF AMERICA, LOCAL #1029

vs.

ALONZO BEALAND

Returnable First Tuesday of November, 1969

TEXTILE WORKERS UNION OF
AMERICA, LOCAL #1029

By Its Attorneys
Green, Romprey, Sullivan &
Beaumont

/s/ By Leonard S. Green
LEONARD S. GREEN
814 Elm Street
Manchester, New Hampshire

A True Copy Attest:

/s/ [Illegible]
Deputy Sheriff

REAL ESTATE ATTACHMENT

Fees:	Register	\$
	Service	
	Copy	
	Travel	_____
		\$

HILLSBOROUGH, SS.

19

I attached all the lands and tenements in the County of _____ in which the within named defendant _____ has any right, title, interest or estate; by leaving at the office of the Register of Deeds of said County, a true copy of this Writ and of this my return endorsed thereon, at _____ minutes past _____ o'clock in the _____ noon of said day.

D. Sheriff

RESPONDENT'S EXHIBIT No. 1**June 16, 1969****Gentlemen,**

As of this date, June 16, 1969, I Leonard Desjardins do hereby resign from Local 1029, for reasons too numerous to mention.

IREMAIN**RESPONDENT'S EXHIBIT No. 2**

**To: Granite State Joint Board
Textile Workers Union of America, AFL-CIO, CLC
21 High Street, Nashua, N.H. 03060**

TO WHOM IT MAY CONCERN:

I, the undersigned, hereby promise to pay Granite State Joint Board, Textile Workers Union of America, AFL-CIO, CLC upon my return to work or upon demand the sum of insurance coverage premiums paid by said Union for the months of October, November, December 1968 and any subsequent payment for insurance coverage the Union may pay in my behalf.

DATE: _____**WITNESS:** _____**SIGNED:** _____

RESPONDENT'S EXHIBIT No. 8

THE INTERNATIONAL PAPER BOX MACHINE COMPANY
Northeastern Boulevard
Nashua, New Hampshire 03060 — (603) 889-6651

June 5, 1969

To the Employees of
The International Paper Box Machine Company

FINALLY THE ISSUE HAS BEEN RESOLVED.
EMPLOYEES WHO RESIGN FROM THE UNION
ARE NOT SUBJECT TO UNION FINES AND ARE
FREE TO CROSS THE PICKET LINE.

Yesterday the Trial Examiner of the National Labor Relations Board issued his decision and recommended an order concerning the complaint against the Union involving the attempt by it to fine Felix Radziewicz and Maurice K. Kimball II for crossing the picket line.

The Trial Examiner found, and we quote his statement that: "I am led to conclude—that Kimball and Radziewicz effectively resigned despite their 'contract of membership' with the Union which forbade their resignation."

Since the Trial Examiner found that Kimball and Radziewicz had effectively resigned from the Union, they are free from any attempt by the union to fine them since they are no longer members. Therefore, the underlying complaint was dismissed. The Trial Examiner pointed to the Union's own statement. He stated: "the Union argues, however, that if Kimball and Radziewicz had in fact resigned, and if the Pitarys letters were a threat, they were nevertheless not coercive within the meaning of Sec. 8 (b) (1) (A) because the obligations of membership, no matter how severe, simply do not apply to non-members."

**TO REPEAT, THIS DECISION MEANS THAT ALL
EMPLOYEES WHO RESIGN FROM THE UNION
ARE NOT SUBJECT TO FINES BY THE UNION,
AND ARE FREE TO CROSS THE PICKET LINE.**

Sincerely,

**THE INTERNATIONAL PAPER
BOX MACHINE COMPANY**

/s/ **Philip D. Labombarde,**
President.

RESPONDENT'S EXHIBIT No. 4

LOCAL UNION #1029
MACHINERY DIVISION, TWUA, AFL-CIO-CLC
Nashua, N.H.

NAME Peter Makris, Sr.

STREET 31 Dane St.

2-1427

CITY Nashua

STATE N. H.

AGE 53

MARRIED Yes SINGLE _____ OTHER _____

NO. DEPENDENTS 1

AGE 51

NO. EMPLOYED IN FAMILY 1

UNION MEMBER YES Yes NO _____

JOB IN PLANT Yes

YEARS EMPLOYED 20

SUPREME COURT OF THE UNITED STATES

No. 71-711

NATIONAL LABOR RELATIONS BOARD, PETITIONER

v.

**GRANITE STATE JOINT BOARD, TEXTILE WORKERS
UNION OF AMERICA, LOCAL 1029, AFL-CIO**

ORDER ALLOWING CERTIORARI—Filed March 20, 1972

The petition herein for a writ of certiorari to the United States Court of Appeals for the First Circuit is granted.

